DOCUMENT RESUME

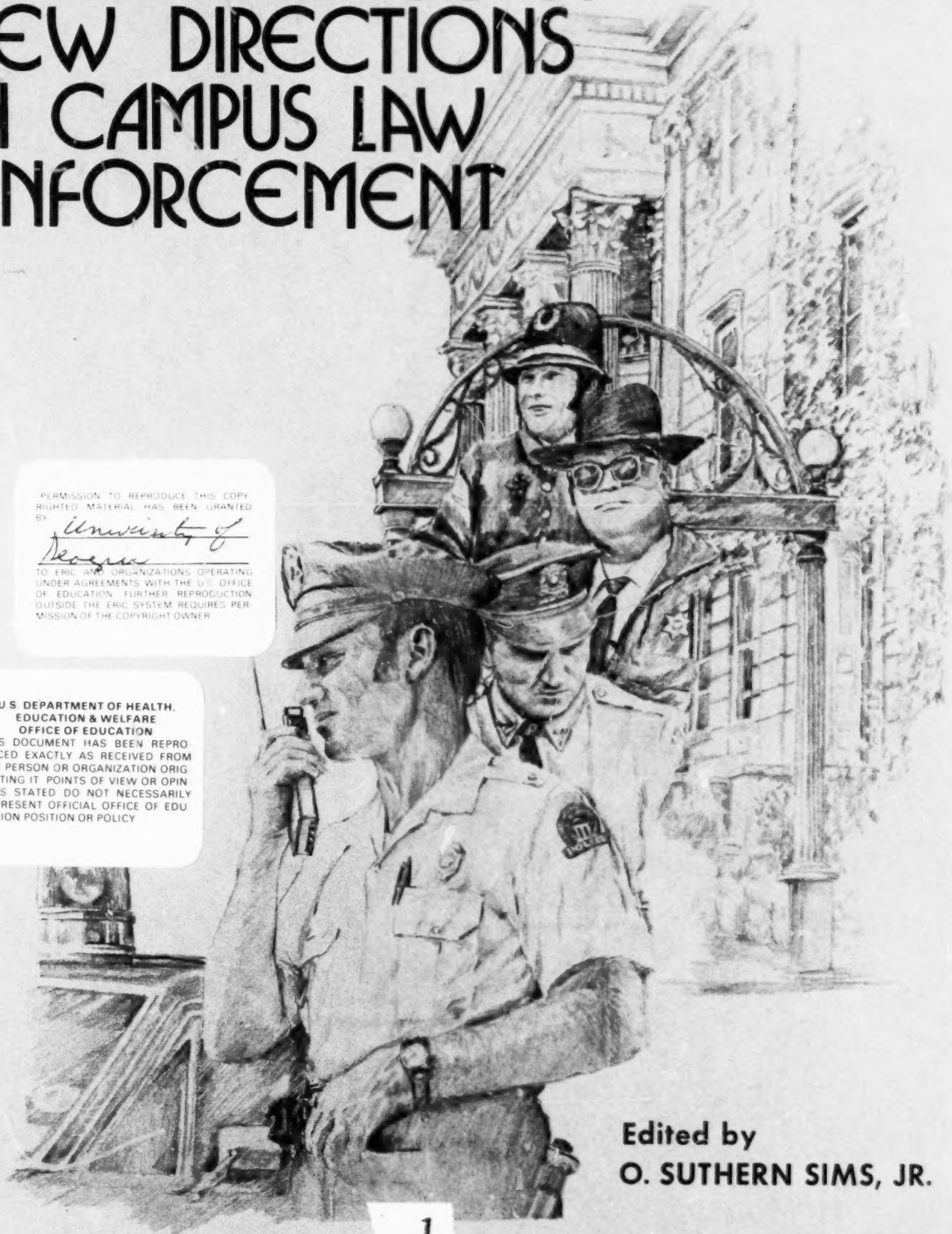
ED 067 044 HE 003 351

AUTHOR	Sims, O. Suthern, Jr., Ed.
TITLE	The Challenge of New Directions in Campus Law Enforcement.
INSTITUTION	Georgia Univ., Athens. Georgia Center for Continuing Education.; Georgia Univ., Athens. Inst. of Government.
PUB DATE	72
NOTE	74p.
AVAILABLE FROM	Editorial Services, Center for Continuing Education, University of Georgia, Athens, Georgia 30601 ($2.50)
EDRS PRICE	MF-$0.65 HC-$3.29
DESCRIPTORS	*Activism; Colleges; *Educational Administration; *Higher Education; *Law Enforcement; *Police; Universities

ABSTRACT

This document presents the proceedings of a workshop held to discuss and determine some new directions for campus law enforcement. The need for new directions in campus law enforcement is presented from the point of view of the chief administrator, the chief campus law enforcement officer, the student personnel administrator, and the student leader. Other papers presented include: The Establishment of a Philosophy of Law Enforcement in the Academic Community; Student Development and Campus Law Enforcement; Roles and Goals; Internal or External Governance: A Challenge to Administrators; Factors to be Considered in the Implementation of a Viable Campus Law Enforcement Program; Student Judicial Systems for the Seventies; and a Proposed Model of Legislative Powers for Campus Law Enforcement. (HS)

THE CHALLENGE OF NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT



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HE 003 351

Edited by
O. SUTHERN SIMS, JR.

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Institute of Government and Center for Continuing Education /UNIVERSITY OF GEORGIA /ATHENS, GA.

THE CHALLENGE OF NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT

Proceedings

THE CHALLENGE OF NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT

Edited by

O. Suthern Sims, Jr.

THE UNIVERSITY OF GEORGIA

Institute of Government
Center for Continuing Education

January 9–13, 1972

Athens, Georgia

Financed by the Office of Law Enforcement Assistance Administration, U. S. Department of Justice, Discretionary Grant No. 71–DF–965. Points of view or opinions stated in this document do not necessarily represent the official position or policy of the United States Department of Justice.

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Athens, Georgia 30601

Printed in the United States of America

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ACKNOWLEDGMENTS

Considerable effort on the part of a number of individuals went into the initial proposal which culminated in the workshop described in this proceedings. Additionally, many long hours were spent in the development of a program format designed to bring together the extreme worlds of student administrators, campus law enforcement directors, and student representatives.

Dr. Morris W. H. Collins, Jr., Director of the Institute of Government, and Mr. Thomas W. Mahler, Director of the Center for Continuing Education, were inspirational in their initial guidance and continuing support of the project.

Mr. Neil C. Chamelin, Administrator, Police Science Division, Institute of Government, provided guidance and active participation in the project. Mr. Ron Powell, Graduate Assistant, contributed significantly to the preparation of the proposal and did much of the administrative work in preparing for the workshop.

Mr. Dick Gecoma, Coordinator, Criminal Justice Programs, Georgia Center for Continuing Education, and his staff spent long hours as coordinator for the workshop at the Georgia Center.

Lastly, but most importantly, Mr. Ed Kassinger, Director of Public Safety, and Dean O. Suthern Sims, Dean of Student Affairs, University of Georgia, are acknowledged as the team that developed the concept upon which the proposal was based and carried the major share of the burden for the development of the workshop.

Richard J. Korstad
Project Director

INTRODUCTION

The University of Georgia Institute of Government and Center for Continuing Education applied for a grant from the United States Department of Justice Law Enforcement Assistance Administration to pursue the subject of "The Challenge of New Directions in Campus Law Enforcement." The grant was based upon the monograph **New Directions in Campus Law Enforcement: A Handbook for Administrators,** edited by O. Suthern Sims, Jr., and published by the Georgia Center for Continuing Education. The proposal projected two conferences, the first of which was held January 9–13, 1972, at the University of Georgia Center for Continuing Education. The participants included twenty-four teams (each including the chief student affairs officer, the chief campus law enforcement officer, and a student leader) from major colleges and universities with minimum enrollments of 10,000 students geographically dispersed across the nation. The conference was designed to provide a new perspective from which to view the need for order in the academic community, new remedies for dealing with these disorders, and new methods for dealing with further disruptions.

Dr. LeMaistre keynoted the conference; and he, Dr. Fred Davison, Mr. Wade Bromwell, Dr. Chester Peters, and Mr. Jeff Slovak spoke, each from his own unique perspective, to the need for new directions in campus law enforcement. Mr. Ed Kassinger and this editor respectively presented papers dealing with the philosophical background necessary for the establishment of a philosophy of law enforcement in the academic community and the establishment of a viable relationship between student development and campus law enforcement. Mr. Richard Bernitt and Mr. William McDaniel suggested ways for implementing the public safety model as opposed to the security and administrative models. Mr. Joe Buchanan offered suggestions relative to student disciplinary procedures for the seventies, and Mr. Robert Musslewhite (for Mr. Richard Gibson) suggested a model of legislative powers for campus law enforcement based upon a model presently employed in the University of Texas System.

Participant perspectives of possible operational problems were considered by each conferee during nine hours of group sessions. A three day follow-up conference will be conducted in January of 1973 for the purpose of evaluating effects and reinforcing objectives pursued in the first conference.

O. Suthern Sims, Jr.
March 6, 1972

LIST OF CONTRIBUTORS

Richard O. Bernitt is Director of Public Safety at Michigan State University. He earned bachelor's and master's degrees in police administration from that institution. Mr. Bernitt has been active in state, local, and national associations and is the author of numerous publications. He was a contributor to **New Directions in Campus Law Enforcement: A Handbook for Administrators.**

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Jeff Slovak, President of the Student Congress at St. Louis University, also serves as a member of the University Council. He is a senior in the College of Arts and Sciences.

THE CHALLENGE OF NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT

Charles A. LeMaistre, M.D.
Chancellor, University of Texas System

The challenge of keynoting this conference--with words or thoughts that will continue to have meaning and validity during your several days of work--is not one that I regard lightly. This unique audience--unique as to geography and the special roles represented on each of the campuses--makes me realize that the reason for my presence here tonight has little to do with my expertise in law enforcement. It would be presumptuous and foolhardy for me to discuss for such a distinguished group any new dimensions in law enforcement, much less the challenges that might be related thereto.

It occurred to me that I might best serve you and this conference by discussing with you the **academic community** or, more specifically, the academic climate so often stirred by the dynamic intellectual ferment that casts it into an ever-changing, ever-challenging enigma and dilemma. Perhaps I can establish for you some patterns, some trends, some frameworks in and around the campus upon which you can develop the new directions that campus law enforcement must take.

The American university has always been regarded as a very special instrument of our society--a sanctuary for free thought and expression by both faculty and students, a place for extended intellectual endeavors without restraint, a haven of tolerance for bizarre behavior, for idiosyncrasies, and for maturing experiences. The fundamental "goodness" of the American university led parents to entrust the final social and intellectual polishing of their offspring to that great center for learning.

But now things have changed. Widespread disruption, violence, and crime burst on the nation's campuses in the late '60s, and the enchantment of the American public waned and waivered. The public was so angered and dismayed that the specter of punitive measures appeared. Reduced financial support for faculty salaries and for student scholarships, restrictive legislation, harsh laws for handling even peaceful demonstrators, and political intervention in the internal affairs of the university all became realities. The confidence crisis reached its peak in April 1969 when the prestigious American Council on Education issued "A Declaration on Campus Unrest," which included a simple phrase that could well serve as a keynote for the meeting which begins here tonight. The simple truth in this declaration was: "If the colleges and universities will not govern themselves, they will be governed by others."

This severe indictment and declaration seemed both timely and justified. Some of us used different words to establish the same point. For instance, I described the climate for higher education at that time in the following words:

> On Commencement Day, 1970, colleges and universities across the land are being sorely tested and critically evaluated as worthwhile instruments of society. Education's ancient

place of honor in civilized society hangs in the balance. Uncontrolled unrest on the campus is already accepted as a clear indictment of the value of education by many who once professed belief in the necessity of a college education. It matters not at all that the unrest stems from problems created within the broad fabric of our entire society--war, poverty, racism, environmental and urban decay--and not by education alone. It matters only that the strategy in this all-out assault to erode and destroy public confidence in educational institutions is succeeding.

The "confidence crisis" in education was not invited by premeditated action, but rather by inadvertent past failures on the part of academic leadership. We have allowed the purposes of higher education to become so vague as to invite misuse and the subsequent outrage of the American society.

The simple fact that the ivy-covered campus was not able to maintain law and order when confronted with mob action, violence, drugs and destruction was clear evidence that the capability for campus law enforcement had never been developed.

Truly, your inquiry will deal with a matter which has been sadly neglected by higher education institutions generally. There has been a basic inequity in the historical establishment of differential law enforcement policies that would regard the student law-breaker as a privileged ward of the university, rather than as a culpable member of the entire community. Undoubtedly this concept has been responsible for the traditional model of the campus law officer whose duties combine night-watchman, traffic controller, and morals watcher. I am reminded that a respected teacher of mine once remarked that "traditional means only that something has existed for a long time. It carries no implication of value or worthwhileness." This can certainly be applied to the traditional model of the campus security officer--a model which I must admit has had the longstanding approval of institutional administrators and trustees. Much has been done to remold our model, but much remains to be done; and, with public confidence at stake, time is short.

The law enforcement process on campus should be conceptualized, I believe, as an educational experience which helps the student assume a more responsible role in society through exposure to the equal application of law. Expressing it in another manner, to conceive of the university or college community as a separate entity in which the laws of the nation or the state do not apply is both unrealistic and generally unacceptable to those constituencies responsible for the support of higher education.

Today's problems on our campuses are perhaps better understood than those at the perimeters of our campuses. We have all gained some measure of security surveillance on our campuses per se, but what about the area surrounding the campus? This area falls outside the influence of the university, although an increasing number of students live and shop there. Because it is heavily oriented to the university, the community is often reluctant to enforce the same standards for conduct, housing, and sanitation that are exacted for the rest of the community. The result of this neglect is evident about many colleges and universities today. Former single residences, duplexes, and fourplexes become communes or pallet pads; these facilities are often in a bad state of repair, lack adequate sanitary facilities, and are maintained in a disgusting and unhealthy manner. This is the environment in which drug traffic flourishes. The perimeter of the campus has become the marketplace of the peddlers, the pushers, and the instigators of the drug problem. This off-campus fringe, with only vague and uncertain campus affiliations, provides the materials, facilities, and motivations for drug experimentation and abuse.

In your concern over new dimensions in campus law enforcement, I specifically invite your attention to the problems on the perimeter of the campus and the necessity for the campus and the community to press aggressively the cause of law enforcement.

Perhaps the most compelling challenge to the new directions for the academic community and for

those law enforcement activities that are related to those new directions is set forth in the conclusion to the American Council on Education's **Report of the Special Committee on Campus Tensions:**

> Unrest on the nation's campuses is only part of the mosaic of problems in American society: the poverty amid affluence, the continuing racial strife, the poisoned environment, the decaying cities, the apparent decline in the whole quality of life. These problems affect all of society, not simply colleges and universities. It is ironic that some seek destruction of the colleges and universities and that others within them remain averse to all constructive change. These institutions hold our greatest hopes: as places of objective inquiry, for the solutions of society's problems; places of unfettered thought, for the debate of sensitive issues without fear of intimidation or repisal; centers of teaching and learning, for the education of tomorrow's problem-solvers and leaders. Just as those who compose the academic community must rise to the defense of colleges and universities as vital and enduring social institutions, so must they recognize that these institutions must be responsive to the needs of the times. A college or university should be flexible enough to accommodate change, aggressive enough to promote change, and wise enough to anticipate the consequences of change. It must strive as never before to become a bastion of high purpose, a goad to the public conscience, an implacable enemy of the false, the inhumane, and the unjust.

You have been invited from a select group of twenty-five major colleges and universities, each with approximately 10,000 students or more, geographically dispersed across the nation, to consider this threat. Well over one quarter of a million students are represented by the team members who are here. Accordingly, the response which you make to this threat (I hope you will consider it a challenge), the questions which you raise, and the proposals which you suggest will have much significance. It is the interdependence of each of you as a member of the team that holds the key to your success. Your shared concern, mutual respect, rational and civil approach will forge results for this conference not possible otherwise.

Through your discussions you will hopefully provide a new perspective from which academicians, administrators, and students will meet the challenges for the maintenance of order in our academic communities. We must join together in developing the real protection for academic freedom which can exist only within an orderly process. How does one research? How does one study? How does one teach under the threat of the bomb, the rock, the arsonist, or the caterwauling of a mob interested only in its version of "right"? We must find new remedies for dealing with disorders, and we must find new methods of preventing further disruptions to the academic process. Much has been written and published about suggested new remedies and new methods, and these will certainly be discussed at length during this conference. I would ask you to apply only these two criteria to your conclusions:

1. Would you, personally, be willing to present this recommendation to your governing board and to the legislative finance committee at budget time?
2. Can the implementation of the recommendation be expected to help restore the badly tarnished image of the college campus and higher education?

You who are here are both educated and enlightened, and your opportunity is to propose and develop new alternatives and directions for campus law enforcement, student discipline, and the maintenance of the orderly academic process. These are essential to the quality of academic inquiry and the realization of academic freedom and are, most importantly, the guarantors of civil liberty and the capacity for self-government.

As we look ahead to the rapidly changing decade of the '70s, the higher education community is fast realizing that the historical and traditional role of the ivy-covered university will not satisfy the current demands of society. The university must further share its expertise and special resources with those who bear the primary responsibility for solution of society's problems and demands, and

as the university better serves society we can expect new and more complex requirements for law enforcement.

Essential to the universities' continued service is the guarantee by campus law enforcement, if necessary, that:

1. The university will protect freedom of thought, freedom of inquiry, freedom of discussion for all--not just for the radicals.
2. The university will not tolerate the external forces designed to intimidate dissent, debate, or expression.
3. The university will not become a political weapon.
4. The university will exact compliance with the law for all on campus.

If we intend to return education to its ancient place of honor and to accomplish this without delay, you must devise the new dimensions in campus law enforcement that will ensure liberty and justice for all. Yet draw the line clearly as a warning to those who continue at their premeditated attempt to destroy this valuable instrument of American life.

Whatever one's view of the sources of campus unrest, unarguably the phenomenon cannot be ignored. Clark Kerr has compared campuses with the canaries that miners used to take down in the mines with them. Being somewhat more sensitive to bad air than the miner, the canary would keel over first, warning the miner when he was in trouble. Whatever the toxins affecting the atmosphere of the nation's colleges and universities, they will ultimately affect the larger society as well.

This then is where we stand. We seek, both individually and collectively, solutions not only for higher education but also for our world--as the two are inextricably intertwined.

THE NEED FOR NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT . . . THE CHIEF ADMINISTRATOR'S VIEW

Fred C. Davison
President, University of Georgia

There is an old Chinese proverb, I understand, that says that if you want to place the ultimate curse on a man you say, "May you live in interesting times." Certainly few of us in administration would disagree that the last five, seven, or eight years have been interesting times. We have seen great changes in higher education. We have seen higher education come from a period, which began immediately following World War II and lasted through much of the sixties, in which we were the unquestioned darlings of American society. Actually, then we had only to ask and we were given. We have seen that climate change drastically over much of the country, however; and today we find the foundations shaken rather severely. We have a confidence crisis in higher education.

We have a very distinguished member of our faculty, Mr. Dean Rusk, who puts it as well as most do, I think, when he says that, in his position now as Professor of International Law, he has found it wonderful to go from the world of decision to the world of opinion, a world where he can have opinions and where there is no sanction if he happens to be wrong. He can elect to have an opinion, to not have an opinion, or to change his opinion. Most of us in this room today are not that blessed. We live in the world of decision, and the decisions that we make will drastically, I think, affect the kind of climate in which higher education will exist for the next ten, twelve, or fifteen years.

How can the confidence of the people be restored? I personally have feelings about this. I think that one of the problems we have had in higher education has been that we have been ready to solve everybody's problems but our own. We have been consistently called on to go out and to solve the problems that we said we had answers for, but our answers have not worked. Now we are being asked to face a kind of accountability for which we are not prepared. The answer is a very simple one. Can you solve the problems on your own campus? Can you solve those before you attempt to solve ours? That, in a sense, is what this is all about.

I feel strongly that law enforcement on our campus has a dual effect. The first is one that is related specifically to our being here, to how well we can do our job, and to the climate in which we live and in which we work. The other one is just as important. Can we establish on this campus, can you establish on yours, the kinds of programs that are so good that just by association they tend to feed out into the larger society, so that the student who comes to our campus is exposed to the kind of safety program, including law enforcement, that will make him or her demand that kind of program--that kind of service--in the larger community in which he lives? I hope that we are accomplishing that at this institution. I think we have gained tremendous respect for this program among our students and our other people, and I

think when they leave us they will demand this same kind of service. Perhaps this is the best way for institutions such as ours to solve the larger problems of society, to employ that time-honored method of teaching by example. You folks, as I understand it, with ours, represent perhaps some quarter of a million students; and that is a tremendous audience to play to. The effect that they will have on the way that we live is going to be dramatic.

Those essentially are the comments that I would like to make as you go into this program. I am reminded, in looking out across an audience like this and speaking of "The Challenge of New Directions in Campus Law Enforcement," of a story I heard at a program the other night. The speaker said that in his community the local Baptist minister got up in the pulpit one Sunday morning and said, "This is the last day that I will stand in this pulpit. I wish to announce to you that I am leaving. I can't take you any longer. You don't love each other; you don't love this church; you don't love the Lord; and, in fact, you are just not very good people. I have accepted a job starting at 8:00 in the morning as chaplain for the federal penitentiary. The topic of my sermon this morning will be the same that was used by our Lord in the last sermon he gave to his followers: 'That I go to prepare a place for you so that where I am, there ye may be also.' " Each of you in a real sense goes to prepare a climate, a place, a total kind of respect, for programs that we engender here. I am convinced of one other fact--that the one intolerable situation as far as humans are concerned is the situation of anarchy. As long as we have to live together, work together, there will be rules and regulations; and how we enforce these, how we promulgate them, how we live with them, how we demonstrate as we teach other things their worth, is probably one of the critical questions of the next two or three decades.

THE NEED FOR NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT . . . THE CHIEF CAMPUS LAW ENFORCEMENT OFFICER'S VIEW

Wade W. Bromwell
Director of Security, University of Virginia

Change is taking place in all facets of existence. Changes should be encouraged and fostered as new ways of living develop. As a result of new inventions, changes should be anticipated by the progressive. Certainly, changes must be expected when new modes of transportation are developed; changes must be expected when new means of communication are invented; and changes must be accepted when the usual becomes inadequate. If these statements are true, then our former "it was all right yesterday" attitude must be scrapped. Reliance on the old cannot be continued, and more realistic methods must be substituted. We can no longer insist on former procedures and former methods being the right procedures and right methods because they worked or were acceptable yesterday. The old school idea must be abandoned.

If we are encouraging a search-research developing attitude in youth, we must then be ready and willing to explain and reason toward understanding rather than instruct and expect unquestioned conformity. In being a part of an educational process which stresses inquisitiveness and exploration, the student must be intelligently accepted and patiently and thoroughly assisted in finding the solution he seeks. He can no longer be pushed aside with vague, hedging, misleading, and erroneous answers.

New directions are needed today, and this is especially true in campus law enforcement. As law enforcement officers, we must currently evaluate our methods, our procedures, our policies, and our directions in the changing world and perform necessary vital surgery. If we have kept pace as a progressive law enforcement activity, surgery may not be necessary; but without a doubt all of us will need at least some medication and/or therapy.

At Virginia, we noticed several symptoms during the past two years, particularly with regard to our law enforcement program, that did not respond to the "leave it alone/it will go away" methods of treatment; and under diagnosis, we concluded professional attention was needed. Recognizing the symptoms was a giant step forward, but needed action was apparent. We found, to our dismay, in spite of orientation meetings, that the general student body did not know the role of law enforcement on the campus. We found that our meetings with student counselors and student representatives were successful, but they were a very small percentage of the total student body. Those we had reached understood the role of a "campus cop," but we fell short of our desired goal in reaching all of the students. We realized that more exposure of the officer on the grounds was necessary and that we would have to take advantage of every opportunity to meet and talk

with a student in an informal atmosphere if we were to be successful in meeting the challenge of helping students become accepted members of the world for which they were being prepared. This challenged the officer not only to practice the law and interpret the law but also to communicate it. At first glance, communication may seem the simplest of changes; closer examination shows it to be one of the most difficult tasks facing any law enforcement officer in the United States today.

Those of us "keeping peace" on the college campus have a particularly complicated task in this area. A faculty member at Princeton University received the following suggestion for handling campus disagreements from a Bristish colleague at Oxford:

> At the University of Oxford's Wadam College, a group of militant student activists recently presented a list of non-negotiable demands to the administration and threatened direct action if their demands were not met.
>
> They received this response from the warden of the college: "We note your threat to take what you call 'direct action' unless your demands are immediately met. We feel it only sporting to let you know that our governing body includes three experts in chemical warfare, two ex-commandos skilled with dynamite and in torturing prisoners, four qualified marskmen in both small arms and rifles, two ex-artillerymen, one holder of the Victoria Cross, four karate experts and a chaplain. The governing body has authorized me to tell you that we look forward with confidence to what you call a 'confrontation' and I may say, even with anticipation.

That is one form of communication. It probably is not a form that any of us have used in our recent careers, and it was one we did not adopt; but we did try a very successful method to develop and improve communication with the students, faculty, and administration.

This past year, on three separate occasions, weekend retreats were held at a mountain area camp. Structured programs were avoided, and the approximately forty-five participants at each session were brought together in a pleasant, inviting, stimulating manner. As a result, the police officer, student, professor, and administrator saw each other as individuals and had a chance to talk with one another on equal terms. Opportunities were created to discuss "hang-ups" and grievances, many mythical, in a pleasant environment with time for self-evaluation and friendly discussions. The groups were composed of approximately 25 percent campus police officers, 55 percent students, and 20 percent faculty-staff. A viable diversified and completly cosmopolitan group was sought to represent best a cross-segment of the university community with a sprinkling of non-university individuals present at each session. Such a group stimulated discussions of controversial problems and, we felt, encouraged more meaningful experiences. Having only recently admitted female students in the undergraduate school, coeducational problems were discussed as they related to law enforcement on the campus. Harassment of black students was a popular subject of discussion, and training and responsibilities of the campus law enforcement program were much sought-after answers by student and faculty alike. The interest of the student and faculty in learning more about campus law enforcement was encouraging and has led to a study and evaluation of our training program. It has stimulated our previous desires to advance training for our experienced officers and to press for the establishment of incentives to motivate our employees towards seeking further education, particularly in the police sciences.

Obviously, the professional officer needs special education to equip him to meet the challenge of working in an institution of higher learning, as well as the regular training in routine police and law enforcement areas. We feel the campus officer has more need for specialized training than the municipal officer, for his area comprises, for the most part, individuals who have a common goal——more formal education. Such a community deserves trained law enforcement that understands and copes with such individuals. This does not suggest a double standard of rules and regulations but suggests that routine duties may require different procedures and methods in performance.

Methods and ideas found to be successful must be programmed to be repeated periodically, as our student population changes not only annually but also, to some degree, as sessions, terms, and quarters end and begin anew. Faculty and staff also must be reached and helped to understand law enforcement's role on the campus. They, too, change from year to year, and new community members must be considered logical targets for relating ground rules. Knowledge in advance can do much to reduce, if not eliminate, problems. Having to learn after the fact creates ill-will, and the progressive law enforcement program will anticipate.

In closing, may I suggest that law enforcement must be aware of the changes occurring all around it and should conduct constant examination and evaluation of its own procedures to maintain its balance and proper direction. It must establish reasonable and fair policies that can be enforced and, having taken that position, must enforce them without discrimination and bias and with fairness to all.

THE NEED FOR NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT . . . THE STUDENT PERSONNEL ADMINISTRATOR'S VIEW

Chester E. Peters
Vice President for Student Affairs, Kansas State University

Campus law enforcement since World War II has been an expanding responsibility in every university. In earlier times on campus, one or two campus traffic officers wrote traffic tickets and fulfilled other minor security responsibilities. Campuses have changed from "Harry the cop" to a staff of competent officers involving traffic, security, training, and investigation. The campus "control units," be they deans of students or campus law officers, have moved from personalized, individualized operations to computerization and, in some cases, even to a "big brother is watching you" concept.

Previously campus law enforcement did not receive much attention. Neither did it develop staff educational programs or make sustaining efforts to explain its procedures, processes, and mission to the general university campus and surrounding community. During the decade of the '60s (particularly the latter part of the '60s), however, campus security came into prominence along with community police--often, however, in very negative ways. Some students felt the mission of campus law enforcement was to keep "good" things from happening rather than to help provide for expression of all points of view by whatever means seemed appropriate at the moment.

Campus law enforcement must be compatible with the major role of the university, which is to provide a "learning community" in which all participants have the opportunity to develop their potentials regardless of their backgrounds, their intellectual capacities, their responsibilities, or their missions.

Before attacking the problem of delineating new directions in campus law enforcement, it is necessary that the milieu of the campus community be reviewed. At the present time, the 2,400 colleges and universities of the United States enroll approximately 8.4 million students, of which 6.25 million attend public institutions and 2.2 million attend non-public institutions. This student population consists primarily of seventeen to twenty-three-year olds, although its composition is changing and becoming increasingly complex because more and more older people are attending colleges while many others are moving in and out of the campus environment for extended periods of time. The Carnegie Commission emphasized that the future campus population will be more mobile and flexible, contain more diversity, and be less structured.

Attitudes of the student population have been changing. In the last few years, a greater dichotomy has developed between those students who represent themselves as being most interested in people (in humanism) and those students who are primarily concerned about the materialistic gains that can result from a college education. Students have adopted a posture of letting each

person "do his own thing" and making few or no judgments as to right or wrong. The concept of "do your own thing" is now the vogue. In campus law enforcement this difference, simply translated, means that while humanists would insist that campus officers bear no arms materialists will support arms. Such a statement is an over-simplification, but it illustrates the difference.

Universities having their own security and law enforcement personnel vary in size from 200 to 50,000 students. The administrators of these colleges and universities range from those who wear many hats and are responsible for numerous programs at small institutions to those in multi-purpose institutions who have broad-range policy-making responsibilities and spend much of their time as distant decision-makers——"distant" particularly as viewed by a large proportion of the staff, faculty, and students. Some administrators may be very close to students while others rarely see or interact meaningfully with students. Many students are affluent and very sophisticated, possess tremendous capacities, have had extensive experiences, and are well-traveled. Others, not affluent, perhaps poor or poverty stricken, with limited exposure to the world, are seeking particular goals, goals which may be well established in their minds. Many students today intend to educate themselves for "life" and not a job, although as they assume increased responsibilities, goal orientation is increased.

The living arrangements on a university campus today range from large residence halls to small cooperative houses, apartments, communes, or the homes of the married student and the commuter. Living styles are many and varied. Each student may also have a different style of learning, as some learn readily from the lecture method, others from the discussion technique, still others from a higher use of visual aids. Finally, others demand person-to-person contact, interaction, and confrontation to stimulate their learning processes. Styles of thinking may be just as varied as styles of learning and living because of the wide range of diversity of members in the campus community.

Many campuses in the 1960s experienced disruptive activities even though the number of campuses which were disrupted was not large and the number of students involved represented a very small percentage of the seven to eight million university students. Now the campus environment——1971–72——seems to be one which is much more serene. While dissent is still an active part of the scene, disruption and violence seem to have given way to working "within the system" to bring about change. However, at the same time, campuses are becoming scenes of more crime and, in many cases, more individual violence such as mugging, rape, or murder. Respect for property may be at an all-time low.

On some university campuses and in the surrounding communities, some students feel that a certain level of theft is acceptable if the theft is from an unknown student, a campus bookstore, or a community proprietor. Reasoning about theft levels is not restricted to the student population. One need review only accounts of income tax evasion, rake-offs on contracts, padding of expense accounts, or melting store inventories to see that a certain level of theft seems acceptable to many. It is a game to be played. Attitudes persist today that hold that getting something for nothing, regardless of the means used, is legitimate as long as it is anonymous.

Some people are already branding today's students as apathetic; but to many others the students are acclimating to the rapid changes of the '60s, trying to put the most far reaching changes ever experienced in higher education into proper focus and effective programs.

The rapid change of the '60s has had an effect on campus ethics, as the ethics of today are hard to determine or define. The ethics of yesterday's college student held that work was honorable, sweat was sweet; the protestant ethic predominated. "Help thy neighbor" was being exercised by many. Many still practice the "help thy neighbor" pattern, but many attitudes today are much different. A prevailing attitude is that, if you do not obtain a favorable decision on your request, you bring pressure on the appropriate people until the decision you want is rendered. In our present environment it is very difficult to bring into proper focus the rights of individuals

and the responsibilities which those rights demand and to be able to survive with favorable, workable relationships.

Before looking at new directions in campus law enforcement, let us look at the campus bureaucracy and the decision-making processes which prevail on university campuses. Quite often in the bureaucratic monstrosity of large multiversity campuses, it is difficult to discover who has responsibility for particular programs. The process of decision-making is mired in a multitude of offices which at times are guilty of making it extremely difficult to discover the holder of the ultimate responsibility. The growing inter-disciplinary relationship of academic programs as well as non-academic programs and a fusing of everyone into the big boiling pot of education further cloud the delineation of who has the ultimate responsibility for many programs or activities.

It is difficult, in addition to discovering who is responsible for decisions, to discover who has the responsibility to enforce those decisions and for the avenues of redress. It seems the avenues of buck-passing (which in many instances is not only a deliberate practice, but an established art) are much better known and much more expertly followed than are the avenues of decision-making.

Let us return to the campus concerns as a whole for a moment. The major thrust, as pointed our earlier, is to maintain a viable climate of learning with freedom to question, to search for answers, to present what one believes, and to express meaningful opinions. If this is true, then who has the responsibility for campus law enforcement? Basically the responsibility is much broader than a department of security within the university. Idealistically, it is a community responsibility. Members of that community include staff, students, administrators, parents, alumni, and local residents, among others. Universities inherit many of the prevailing mores of the community. In recent times the attitude of our society has succumbed to the adage of "let John do it," and it is very difficult to find out who "John" is or to place the responsibility properly. If our educational community is an educational community, and if everyone is a teacher, a student, and a learner, then campus law enforcement becomes the responsibility of everyone in that community with the trained personnel in law enforcement being those community members who have more expertise than other community members and, therefore, who should shoulder proportionately increased responsibilities.

It is important that parents be committed to setting acceptable behavior patterns for their offspring and not be guilty of aiding in their children's avoidance of responsibility. The concept of in loco parentis is dead on the university campus for the most part. However, it is not dead in the minds of those who passed through our educational institutions in a different day. Many parents wish the university to provide guidance for their offspring's behavior much beyond what they were able to accomplish at home.

A student should understand his responsibilities and endeavor to execute them in an effective fashion. Faculty should not withdraw from their responsibility and say, "My only responsibility is to teach; it is the responsibility of others to work with the student outside the formal classroom." If the student experiences difficulties in coping with his total environment, the faculty should not avoid its responsibility for helping the student change his direction.

Administrators at a university need to establish openness, understanding, direction, and leadership, so that each staff member (janitor, cook, maintenance man, faculty, or other administrator) has individual and defined responsibilities. In addition to those areas which are considered major responsibilities, he must be committed to assisting in some phases of law enforcement. Student personnel staff must provide leadership in adjudication of conflicts, rehabilitation of those who have experienced difficulties in behavior, and the rededication of all to a better educational environment.

It seems that in recent years university campuses, and for that matter society as a whole, have had a guideline entitled "the age of avoidance" or "it's your job, not mine," and the adherence by an overwhelming majority of the campus community

to these guidelines makes the task of campus law enforcement very difficult.

We need to search for new and better solutions to complex problems. We must have a visionary outlook. This conference provides the opportunity for reflecting on the next ten years as to the campus environment, community environment, the type of student who will be attending the university, the breadth of his experience, his age level, the stress situations in which he will be involved, and the resources which will be available for the renovation of outmoded programs and the building of new programs. There must be a change from a "stimuli-response" environment of the past to a "planned objective to accomplish the mission with particular goals" which will provide a viable climate to learn, relatively free from disruption, capable of coping with dissent effectively with prevention of inhibiting activities. If this is to be accomplished, the following must happen:

1. The entire university community must be kept informed through various types of communication devices about the mission of the university, what it stands for, and what it is trying to accomplish. Knowledge of **how** and **what** to communicate must be ascertained within the particular community. One must not overlook faculty teaching as a major mode of communication.

2. Visibility must be given to actions taken in an open, reasonable, corrective, and sustaining way--taking into consideration the humanistic ways that most students attempt to approach their peers.

The stage is now set for consideration of new directions. Some of the suggested directions may not be new to some campuses but are altogether new to others. Very few campuses have clear-cut roles as to who handles law enforcement procedures, have a definitive set of procedures, have an educational program geared to educating staff to their constituencies, or have an evaluation process which should result in improved programs. If one is to look at a program for new directions, one must look at what is taking place, develop a plan for improvement or innovation, implement that plan, evaluate the improvement or innovation, and determine if, in fact, the original goal was met or the program executed. Then the process begins again. During the total process, research must be accomplished for short and long-range effects in an effort to improve the total environment of the university campus.

Now some directions--new or not so new:

1. First and foremost, there must be research activities to discover the existing image of campus law enforcement as seen by the security staff, the president, the dean of students, the faculty, and other groups of importance to the law enforcement program. The way clientele--the members of the university community--perceive those responsible for assisting in providing a viable climate for learning is important. Steoreotypes exist but cannot be changed unless it is known who holds these stereotypes and why. If an acceptable image is backed by supporting actions, it will aid in an effective program.

2. A major role in law enforcement appears to be one of control to keep the ship of society on a reasonably straight course. However, the future should be guided by endeavoring to change campus law enforcement activities from one primarily of control to a thrust to educate and assist people to control themselves. Just as a university should have a major thrust of self-education, law enforcement's program should facilitate self-control.

3. It is necessary to clarify the investigative role of the campus law enforcement agency. This role is carried out variously by a dean of students, a vice president for student affairs, a mediation officer, some person designated by student personnel, or the campus law enforcement agency. The investigative role campus law enforcement personnel should assume is unclear in the minds of many administrators and faculty. Some presidents, or those in the process of becoming presidents, have grown up in a campus environment with a dean of men or dean of students operating in loco parentis and have

carried old attitudes with them as they assumed higher levels of educational responsibility. To maintain a viable learning climate, there must be clarification of the investigatory role on each campus so that each complex problem can be brought to an effective solution in the least amount of time and effort.

4. For those universities which do not have student inputs into campus law enforcement, security, or traffic, it is important that there be established an advisory council to the campus law enforcement agency. It should be composed of representatives of groups who will be affected in the decision-making process. The major function of the advisory council would be to bring to bear on a problem or planned program the best brainpower available from the campus community.

5. It is not a new direction of campus law enforcement to indicate the need for a workable judicial system. It is a new direction to achieve a workable judicial system. On any university campus it is impossible to exercise even a modicum of the power that exists in the civil courts. Today many people do not accept the **educational process** of a campus judicial system nearly as much as they recognize the power of the civil courts system. However, if a system of fairness is to be developed on the university campus, there must be involvement by students as well as by those who are held primarily responsible for maintaining a stable campus. Efforts to establish a campus judicial system modeled after the civil courts may only result in extended delays in handling issues of importance. Due process must be provided within a flexible framework.

6. A meaningful and effective rehabilitation program must be established for those who have had difficulty adhering to the codes of conduct required in a university community. Rehabilitation must be a learning experience. There are numerous cases to substantiate the belief that if a person makes an error and is involved with those offended (in a work program, for example) in modifying his poor judgment a good adjustment is possible and very likely probable.

7. Upgrading of law enforcement staff is necessary through special institutes on the campus or in the community. This upgrading should be enhanced by a willingness of the institution to pay fees for courses taken within or without the institution. Upgrading involves using talents. Consequently, the law enforcement staff should have the opportunity to assist in teaching courses in which they have special expertise or knowledge. Many members of the intellectual community believe that because they have explored and studied a subject thoroughly they can teach it effectively. This is not always the case. It is extremely difficult for someone who has not had firsthand experience and involvement to be able to relate to others the insights from being involved in law enforcement. If one is skeptical about the statement, he need only look at experiences of working with those who come from circumstances substantially different from his own——such as a farm, ghetto, suburbia. One can read about it, study it, talk to the people involved, but unless he has felt it he will probably come up short in relating the subject effectively to others.

   Upgrading of knowledge should not be attempted in isolation from upgrading pay scales. Inadequate pay is a deterrent to hiring the most competent personnel, encouraging avenues of impovement, and maintaining high morale. With past experiences as a guide, one has a low confidence level that effective upgrading of law enforcement and security staff will be brought about. The university community has failed adequately to educate new secretarial staff and new faculty to the university community, to name only two major constituents of the community. It is most unlikely that a turn-around will be made in area law enforcement and,

therefore, this new direction demands much effort and time.

8. Wherever possible, students ought to be able to participate in the law enforcement function as they participate in other campus offices, laboratories, and work forces. They will better understand the complexities and the difficulties of working with unusually difficult cases. The result is that they will become better communicators within the campus community. It may be wise to restrict student participation to traffic problems and surveilance. Actions involving weapons or probable arrest must be reserved to those professionally trained for more potently dangerous work.

9. Extensive efforts to help develop and disseminate resources available to assist people in time of need do not necessarily have to be related to campus law enforcement alone. The establishment of an AID (Assistance in Difficulty) Station in the Traffic and Security Office is a must and could be manned by students. Students, staff, and visitors to the campus often need assistance, and this organization could provide the resources to meet these needs. Such an approach would enhance the assistance or educative role of law enforcement at the expense of the control image.

10. Procedures should be adopted to expunge an old behavior record after an appropriate period of time for an individual who has made a mistake. In many instances, after a student who has experienced difficulty at a university graduates, his record carries no further comments about the problem. The same is not true of a young man or woman who may be involved in shoplifting on a one-time event. When they are fifty years old that record may, and probably does, remain. Research should be undertaken to develop the criteria for a clean slate. Records should be permanent only in the case of habitual and/or serious offenses.

11. There should be a thrust for interdisciplinary research on campus. Problems relating to campus law enforcement could be researched by joint efforts of the departments of psychology, sociology, urban problems, human relations, family and child development, student personnel, and other related areas.

12. A system of communicating decisions made on or off campus far superior to any feedback system that now exists is a necessity. Often a university or college or the off-campus community law enforcement fails to state or relate effectively the basis of a decision and the corresponding corrective action. When decisions are made by the courts of the land, majority and minority opinions are sometimes rendered. One has the opportunity to read, study, criticize and analyze these decisions. It appears that it would be wise to use a similar, though not as technical, approach to a decision-making process in campus law enforcement.

New directions require the combined best thinking and most appropriate action by all members of the university community. I hope that this conference will be the vehicle for these new directions.

THE NEED FOR NEW DIRECTIONS IN CAMPUS LAW ENFORCEMENT . . . THE STUDENT LEADER'S VIEW

Jeff Slovak
President, Student Congress, St. Louis University

Most of the experience that I have had in dealing with campus security forces has been on the campus of a university located in the heart of a relatively large city. More accurately, I should add that it is in the middle of a ghetto in that city. Perhaps those social and geographical circumstances are not presently similar to your own. I would nonetheless expect that what I am going to say will have some relevance for most of you. The problems of the city seem to have the interesting, albeit dubious, talent for repeating themselves in nearby suburbs. Furthermore, if the 1970 census is an accurate indicator of where people are moving within this country, what are now smaller cities and towns may fairly soon face the prospects of becoming larger cities, with the problems accompanying those prospects.

More than enough has been written concerning the handling of student unrest by campus law enforcement agencies, and I feel quite confident that more will be written in the future. I would prefer, if you do not mind, to put that topic aside and deal with one that touches more members of the university community, with more constancy, than does student unrest. That topic is **crime**--the shootings, knifings, assaults, rapes, and burglaries common to any city in any part of this country.

Perhaps the most interesting phenomenon that accompanies the existence of crime in the vicinity of an urban college or university is the dichotomy of attitudes with which it is received. If a resident of the neighborhood adjacent to an urban campus is raped, it will probably go unnoticed by most inhabitants of the university community. If, however, a student is raped on that same block, not only does the crime become known to everyone on campus within one day, but immediately talk begins to circulate about ways to combat (and not necessarily to solve) the problem. Student vigilante groups are organized, faculty and students start randomly walking the campus at night; and campus security becomes hostile and defensive as the efficiency of their performance comes under question, if not outright ridicule. Everyone gets paranoid; nothing gets done.

This dichotomy of attitudes is not the fault of any individual or group of individuals, but rather lies with a tradition that most universities have rather consciously embraced. Universities have considered themselves islands within their larger communities. They have been considered to be places for study and learning, not institutions of or for social activism. Through the years, social activism has become synonymous with any activity not contained in a classroom. Consequently, the problems of the surrounding neighborhood, while perhaps appropriate topics for academic study and research, rarely find themselves targets for any organized action aimed at solutions. As often as not, the crimes mentioned earlier happen off the physical campus and are automatically perceived as problems for the city,

county, state, or other law enforcement officials, and not for the university community. Surveys are run; studies are made; problems remain.

Because the university is usually a separate, identifiable entity from its surrounding community, students and faculty are willing to relegate problems like crime in the surrounding community to security forces which are generally not equipped to handle them. Campus police forces have typically spread their resources across a number of functions, ranging from protecting members of the university community to collecting money on parking lots. Because everyone consciously avoids the problems with which those security forces deal, the police force remains a group of men relatively unknown to the rest of the university in whom relatively few are willing to invest confidence.

Crime is a community problem and requires above all a community solution, a solution that involves students and faculty and administrators as well as campus law enforcement. To deal effectively with the problem, the entire community must direct its attention to both aspects of its solution: protection of the community from immediate and future threat as well as elimination of the conditions which breed the problem.

To deal with protection of the community, many cities have involved their populations in crime control by initiating programs of block watchers, groups of citizens who walk their neighborhoods for a few hours a day or week, armed only with radios capable of summoning immediate police help in the event of crimes or potential crimes. Similar programs could be organized and accomplished on campuses. Volunteer students and faculty members could be commissioned to walk the campus in the afternoons and evenings with radios, capable of summoning campus police officers to deal with infractions of college rules or local police to deal with crimes.

The block watcher idea is just one among many possible examples of organized means of providing better protection for members of university communities. Others could be suggested. The most important point, however, in any such program organized, is that all members of the university must be involved. If the solution is not a community solution, the actions of a campus law enforcement agency will not inspire any more confidence among students and faculty than they presently do. Few people are confident while entrusting their safety to men they do not know, men doing things of which they are not aware.

Once such programs are organized for the actual campus and are effectively operating, it is then my contention that the campus police force should take the lead in extending those solutions to the surrounding neighborhoods. In St. Louis, as in many cities in which colleges and universities are located, those neighborhoods are becoming more preponderantly student in character. As students move into off-campus housing units, the boundary lines of the campus become progressively more blurred. It is rather obvious that what happens to students in the areas immediately off the physical campus is felt on the campus. Certainly campus policemen cannot afford to extend their resources to take such neighborhoods under their jurisdiction, but they can take the lead in educating students on how to provide more effective security for themselves and where necessary in helping them to organize such programs with local law enforcement officials.

Law enforcement for those on campus is, and will always be, heavily dependent on the quality of life in the community in which the campus is located geographically. Like it or not, the urban university (and more universities are becoming effectively urban in character as time goes on) will have to become an active part of its neighborhood, district, city, or county.

Many universities, St. Louis University among them, find themselves in the unenviable position of having most of their faculty and many students living anywhere from thirty to ninety minutes away from the campus. In such a situation, many faculty and students are on the campus for relatively little time during any given day, and learning as such becomes more and more confined to classroom activities. I submit that it would be educationally viable and appropriate, as well as socially profitable, for universities to enter into the business of neighborhood stabilization and development. Houses immediately surrounding the

universities could be purchased, restored, and then leased or sold to faculty members, administrators, and even students. Although in the short run the university would have to assume the role of landlord (a role with which many are now familiar), in the long run it would be creating an environment in which its own physical plant and personnel would be safer in their daily activities and in which the education offered could effectively continue beyond the time spent by faculty and students in classrooms. That ideal community of scholars, towards which most institutions of higher education presumably strive, might be more realistically approached in practice.

Other options are also available in helping to solve the problem. Schools or departments of education, involved in certifying future elementary and secondary teachers, could organize schools, tutoring centers, or perhaps day-care operations. Conferences like this one could be held with members of the community, in which campus police forces could educate the community in how to organize for better protection. In fact, such forces could serve as liaisons between the community and the local law enforcement agencies.

In summary, I would emphasize, once again, that any proposed solutions to the problems of campus law enforcement, whether dealing with crime, student unrest, student discipline, or whatever, must be community solutions, involving students, faculty, administrators, staff, and campus police forces.

THE ESTABLISHMENT OF A PHILOSOPHY OF LAW ENFORCEMENT IN THE ACADEMIC COMMUNITY

Edward T. Kassinger
Director of Public Safety, University of Georgia

Academicians are, by nature, inclined to raise issues over minute differences of opinion. With a host of academicians vocalizing criticisms of police as readily as breathing permits, is it any wonder that giving birth to a definition of the campus law enforcement function represents a difficult labor?

If you will lend me your comradeship in contemplation directed at achieving a definition in this controversial area, I will respond by describing us all as "brave men and true." For surely we plunge into the thicket provided by millions of disputatious words concerning "cops, fuzz, fascist pigs," etc., bearing among us only the armament of honest endeavor and innocent inquiry.

That poor effort at light entry into a scar-darkened subject matter reminds me of one of the lines from Milton's **Areopagitica**:

> Assuredly we bring not innocence into the world, we bring impurity much rather; that which purifies us is trial, and trial is by what is contrary.

Assuredly, our educational institutions do not bring "innocence" into the area of maintenance of respect for law but "impurity much rather."

The long history of the application of the in loco parentis doctrine on our campuses included a strong tendency to "protect" students from the law, preserve the sanctuary concept of the academic community, and place emphasis on "dean power" in the disposition of violations of law through internal administrative measures regardless of contrary constitutional and legal prohibitions.

Milton might agree with the methods of those years of in loco parentis, but his quoted words––"that which purifies us is trial, and trial is by what is contrary"––remind us of the trial by purification that academia achieved during the past ten years through the steady procession of court review of administrative decisions beginning with the 1961 decision in Dixon vs. Alabama. The subsequent court adjudication of institutional actions spelled out requirements for educational institutions to observe constitutional and legal requirements to the contrary of such traditional procedures.

In the eyes of some of my friends in the student affairs area, I am sure that there is a feeling that Milton's **Paradise Lost** would be a more appropriate reference than **Areopagitica**!

Seriously, it is difficult to understand, in view of the on-campus as well as the off-campus breakdown in respect for law in our society, why there has not evolved a more viable philosophy of campus law enforcement. There has been an obvious need for educational institutions to provide exemplary law enforcement response within academic communities as a matter of fulfilling the obligation to teach, to research, to provide community services. Instead, there has

been a pontification and a carping criticism of law enforcement both on and off campus.

Confusion in the discharge of this need and obligation can be illustrated by the following administrative data gathered in 1970 relative to 234 member institutions of the International Association of College and University Security Directors in covering 165 public and 69 private institutions:

1. In response to a question as to whether or not police authority was exercised on campus, the responses showed 111 exercised state authority, 36 county authority, 46 city authority, and 38 no police authority (3 gave no response).

2. Of institutions polled with regard to whether officers on campus are authorized to carry firearms, 155 answered in the affirmative and 77 in the negative (2 institutions did not respond).

3. The analysis showed that the administrative officer to whom the campus law enforcement or security function head reported in the administrative hierarchy was most varied. Fourteen reported to the president, 86 to a vice president, 17 to a personnel dean, 48 to the physical plant head, 37 to the business managers, 31 to "other" administrators (one gave no response).

This variance in itself would emphasize the view that administrators generally are seriously lacking in acknowledgement of the law enforcement responsibility. Proper, equitable application of professional law enforcement requires that the head of such a function, affecting all areas of the academic community life, report to the president or executive vice president.

No different parallel exists in an off campus community situation in which the chief of police is directly responsible to the mayor or the city manager. We do not find the chief of police reporting to the director of public works, the personnel director, welfare director, or other like official in a municipal setting. Application of law is a serious, necessary business going to the lifestream of societal existence. Avoiding serious misapplication or non-application or over-application requires intimate knowledge and control by the community leader.

4. Relative to the use of police uniforms, 205 institutions used the traditional police uniform, 11 wore blazers, 5 wore civilian clothing and 13 wore "other" (Whitehead, 1971). The use of the traditional police uniform in a perversion of the police function into a combination of enforcement responsibilities of law and conduct regulations is the source of much campus difficulty in carrying out the law enforcement function. Police action should not relate to misbehavior per se. To use the normal police uniform for such dual purposes is poor education!

College administrators must recognize that crime is on the campus and that the off-campus crime scene is a most serious challenge to society. On behalf of such administrators, it must be said that state legislatures have failed generally to provide peace officer authority and ordinance capability within academic communities. On the other hand, higher educational institutions have been slow to request such legislative assistance. A greater sense of civic as well as educational responsibility is overdue on the part of higher educational institutions in response to this challenge.

How academicians, seeking truths in a variety of disciplines, have ignored the reality of crime on campuses and chosen the path of the privileged santuary, in which the norms of societal governance do not apply, is a challenge that will no longer be ignored by the sponsoring society. Faculty, administrators, employees, and all others--not just students--must be expected to meet the requirements of citizenship. The law enforcement function should be applied with equanimity to all on campus regardless of institutional relationships. To direct application of law only to the student body is immoral.

How academicians, claiming sincere interest in improving the lot of society, can ignore the opportunity of providing exemplary law

enforcement responses in the urban-like complexes which our large campus communities represent is difficult to reconcile with the purposes of higher educational institutions. The problem, in part, can be resolved by recognizing the reality of the urban problems of modern large campus complexes. Setting aside the traditional administrative view of sanctuary and concern for institutional embarassment and establishing a professional public safety function employing police in a functional response no different from that in an off campus community is a sound objective. Such an operational philosophy represents no threat to academia as long as the selection standards, training, and discipline are appropriate to the purposes of professional, exemplary law enforcement in the campus community. The response should be one which could be well emulated by police agencies beyond the campus perimeters. The opportunity of the laboratory provided for the institution of examplary police utilization on campus has been too long ignored.

The problems of campus law enforcement have been met by higher educational institutions in one of the following ways:

1. Application of the traditional security concept which is an outgrowth of the old night watchman function, which in turn has been historically wedded to the in loco parentis role of the academic institution and generally involved, in some degree, with student conduct regulations.

2. The public safety concept (or police concept) in which the college or university is provided with police officers exercising full peace officer authority (as in any off-campus community) and which has nothing to do with the involvement of student conduct regulations or concern with academic status of law violators.

3. The contract service in which the institution hires a private security or guard service.

4. A contract or policy arrangement in which the institution contracts or agrees with a nearby city or county to provide law enforcement service under specified conditions.

The discussion here will be concerned only with the law enforcementt response provided by the institution itself as in (1) and (2). To discuss the other two types would be digressive.

The basic distinction in approach by higher educational institutions to problems of a law enforcement nature on campus lies in the application of the traditional "security concept" as opposed to the straight-forward application of law in the academic community as provided by the public safety concept.

No discussion of the requirement involved in the establishment of a philosophy of law enforcement in the academic community would be worthwhile without first describing the conflicts in these two administrative philosophies. The security concept is by far the most frequently employed on our nation's campuses. Michigan State University, Wayne State University, the University of Texas System, the University of Georgia, and several other institutions are representative of those institutions applying the public safety concept on campus.

In the past several years, there has been a growing public pressure on higher educational institutions to respond to destruction and violence on campuses more effectively. More recently (e.g. **U. S. News and World Report,** November 22, 1971) there has been an increasing concern with criminal activity on campuses. The immediate and general reaction on many campuses was to expand already existing security functions. However, there is a smaller, but increasing trend to provide a bona fide police or public safety organization in recognition of the overall threat to public safety as a result of increasing criminal activity on campus. This trend must emphasize the importance of careful selection of police personnel, particularly because of the sensitivity of the community being served. But, more importantly, this trend will provide an opportunity for higher educational institutions to teach by example in the area of law enforcement responsibilities.

There has been a failure to recognize that, in the rapid expansion of college and university communities to societies of 5,000, 10,000, 50,000, or more persons, urban complexes and urban problems requiring urban-like responses have been created (Kassinger, 1969, p. 9).

We must find disagreement with the tendency of institutions to further expand security functions in response to these threats to the public safety on campuses. Recently published comment of a strong supporter of the security concept reads in part as follows:

> A college or university is dedicated to improving and educating the individual so that he can more successfully relate to society. Most infractions of the law by students on campus do not warrant arrests, but many times are the result of a student being maladjusted, his own attitude toward the law, social concepts, morals, and society in general. Arrest accomplishes nothing, but by referring the student to proper counseling, he could be rehabilitated and helped so that he could successfully adjust to society. Colleges must recognize that it is part of their responsibility to provide this sort of guidance and help, and campus security forces have to be an integral part of this procedure. (Powell, 1971, p. 21)

There must be serious challenge, on ethical grounds, to the statement that "infractions of the law by students do not warrant arrests." No state legislature or state constitution permits such distinction! Are the laws of the state to apply to the youth of the ghetto who are without the college responsibility of "guidance and help" mentioned? To provide such response to violations of law in the academic community is to provide an insidious form of educational experience to students and incur the disrespect of the supporting society.

The educational objective is achieved by the careful selection of personnel, professionally trained in law enforcement, who, by the quality of the discharge of the police function, set standards which youth will respect and hopefully demand, following graduation, in communities in which they take up resident (Kassinger, 1971, p. 11). It is in the day-to-day performance of the law enforcement functional responsibilities applied to all in the academic community, regardless of academic status, by carefully selected, professionally trained campus police, that respect for the police function is developed. It is in recognition of this basic selection process that administrators can obviate fears of the police function indicated in the quotation.

In the public safety concept the establishment of a palatable philosophy of law enforcement is further enhanced by insuring a comprehensive concern for all areas of life safety and property safety. Some of the problems encountered in the areas of life safety and property safety are peculiar to the university or college community.

The public safety concept is ideally directed at the elimination of campus environmental hazards as related to the protection and preservation of life and property in the academic community. It calls for the incorporation of administrative response through one professionally-staffed, service-oriented, and academically-related organization. The professional services offered under the public safety concept, in order to be acceptable to the academic community, must be comparable to professional academic services offered in the other areas of campus life. Preferably, it should be staffed by personnel required to be involved in graduate or undergraduate programs who can therefore relate to the academic community because such personnel are part of the community to be served.

Administrative implementation is, through the establishment of functional responses in three particular service areas of life safety and property safety——"Protective Services, Safety Services and Traffic Safety and Control Services" (Kassinger, 1971, p. 9)——a concern to all segments of the community. For example, at the University of Georgia the objectives of the public safety function are described as follows:

1. To provide response to the problems of life safety and property safety in the urban-like complex which the some 27,000 persons living, learning, researching, teaching and visiting on campus daily represent;

2. To provide such response in an exemplary manner so as to provide "teaching by example" on the part of the university for communities faced with similar problems of life safety, property safety, and related civic problems of environmental concern;

3. To provide such response by members of the academic community--students--carefully selected and professionally trained in the process--who upon leaving the university can provide knowledge and stimulation for improvement in the areas of law enforcement and environmental concerns of benefit to the communities in which they take up residence as citizens;

4. To insure that all concerned are aware that the campus is not a sanctuary for law violators who would jeopardize the social as well as educational life of the academic community. (Keith, 1971, p. 90)

The University of Georgia Police Department is responsible for providing full peace officer authority on the properties of the University. The Safety Services Department is responsible for professional, specialized attention to the problems of life safety and property safety in the areas of radiation safety, laboratory safety, accident prevention control, fire prevention, and environmental health programs. These professionals are charged with enforcement of the Georgia Fire and Safety Code and conducting inspections relative to the Georgia Public Health Laws and Regulations as they apply to radiation safety, food services, dairy and pasteurization plant inspections, rodent and vector controls, swimming pool inspections, air sampling surveys, noise control surveys, disposal of organic solvents and dangerous chemicals, and attention to the other areas of environmental health concern.

The enforcement of laws and regulations directed at protection of the environment are of major concern to the larger society. Why, again, should the campus consider itself a sanctuary? Why not police itself in this most important area? Do not higher educational institutions have an educational responsibility for model enforcement capability in this important area of community responsibility?

The Traffic Safety Department is responsible for traffic safety and engineering studies, a parking control program relating to the handling of 27,000 registered cars, and the movement and parking problems during peak periods involving 10,000 cars on campus daily. Firm application of laws and regulations relative to traffic safety on campus can be a worthwhile educational objective in a society seeing more deaths on its highways than on battlefields!

More importantly, in accordance with the educational responsibilities of higher educational institutions to provide community services, the University of Georgia Police Department is responsible for conducting the Northeast Georgia Police Training Academy, providing basic recruit training to municipal and county law enforcement in the northeast Georgia area. Additionally, officers of the University of Georgia Police Department are involved in lecturing in academic areas such as in political science, history, sociology and other disciplines, relative to law enforcement problems generally as well as the manner of discharge of responsibilities by the University of Georgia Police Department on campus.

The Safety Services Department conducts training classes relating to life safety and property safety including radiation and laboratory safety courses for faculty and students, accident prevention control training classes for students and employees, training classes in fire prevention for employees and students, training classes for food services personnel and others involved in areas of environmental health concern affecting sanitarian or environmental safety in the academic community. Additionally, they engage in training programs for industry and public agencies in accordance with the community services responsibilities of the University. The Traffic Safety Department engages in driver education programs and other training programs involving traffic safety in the campus community.

The public safety objective is directed at supporting, preserving, and fostering the achievement of a university or college community in which the individual student, faculty member, researcher, staff member, employee, and visitor can sense a determination to maintain a suitable,

viable climate for teaching, studying, researching, and providing community services as well as living in that community. Communication with all segments of the academic community depends upon the recognition that the ultimate objective of a public safety service concept is the elimination of campus environmental hazards to each individual so that the academic concerns for studying, teaching, researching, and providing community services can be satisfied. It does not consider security with its restrictive connotations as a legitimate objective in the academic community (Kassinger, 1971, p. 9).

We do not find "security" in the towns and cities in which our students will take up residence following graduation. Security is anathema in an academic community dedicated to freedom of inquiry and expression. Philosophically, the more positive public safety concept approach appears more appropriate in the establishment of a philosophy of law enforcement in the academic community.

Hopefully, the educational institution implementing such a concept with its positive environmental concerns as well as its criminal law enforcement concerns would more appropriately not only educate those internally subject to its jurisdiction but also, in keeping with its role as an educator, institutionally provide exemplary responses for the benefit of the larger society.

Yale Law Professor Joseph W. Bishop, Jr., in a recent article in **Commentary** observed:

> A man whose government does not protect him from thieves and marauders is likely to lose concern for criminal due process and to support the first strong man who promises short shrift for criminals. The stability of the government of the United States and the survival of the liberties provided by its Constitution depend on its continued ability to enforce its constitutional laws by constitutional methods––including laws which are unwise, but not unconstitutional. (Bishop, p. 57).

In gathering together 5,000 or 10,000 or more persons into a communal enterprise involving the intimate realities of a closely knit society living, learning, researching, and providing community service objectives such as we have in the academic communities, we have knowingly or not created urban-like complexes and urban-like problems requiring urban-like responses.

Institutions of higher education are expected by taxpayers, alumni, and other benefactors to provide not only innovation but also leadership. Leadership is expressed in a myriad of manners and methods but in no more satisfying or constructive form than by example. Institutional leadership in the area of responsible law enforcement in our urban-like academic communities has been less than exemplary. Failure to establish an acceptable philosophy of law enforcement in the academic community will make for more cogent concern about that basic truth uttered in an April 1969 statement by the American Council on Education entitled "A Declaration on Campus Unrest"––"If colleges and universities will not govern themselves, they will be governed by others."

An academic community which persists in a failure by its governmental system in not protecting its citizens from "thieves and marauders" will jeopardize its raison d'etre internally and its umbilical essential of public and private support and respect. The stability of the institution and the "survival of the liberties" traditionally provided academia by the laws of the land demand the enforcement of "constitutional laws by constitutional methods" in an evenhanded manner as ideally required in the larger society of which the academic community is a part.

How can higher educational institutions better respond to the challenge of massive crime in the larger society than by establishing model responses within their own academic communities?

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STUDENT DEVELOPMENT AND CAMPUS LAW ENFORCEMENT: ROLES AND GOALS

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Introduction

The decade of the sixties represented extraordinary changes in the organization and administration of institutions of higher learning. There were student upheaval, curriculum innovation, governance experimentation, proliferation of institutions, and the development of large academic populations. Of all the changes, none caused more concern on the part of governing boards, faculty, administration, students, and the general public than student unrest--unrest which often took the form of violence. Those troubled years represented good times for student personnel and campus law enforcement--"good times" being interpreted as more money, additional personnel, modernized equipment, and in general an expansion of the two functions. Unfortunately, the two professions prospered for some of the wrong reasons. Numbers were quickly added to campus police forces, and indeed campus police forces were organized for the first time in many institutions. Student affairs staff members were added in great numbers, partly because money was available, partly because new and growing institutions were "supposed to have them," and partly because it was felt that they were needed to quell student uprisings or at least be friends to students and try to find out what was going to happen next. In short, hundreds of untrained and/or inexperienced men and women were added to campus police forces and student affairs staffs during the turbulent years of the 1960s. During this time of prosperity and unrest, old models were used in the administration of campus law enforcement and to some extent student affairs. The campus police operated under a semi-night watchman-security syndrome, and student affairs personnel functioned in a modified in loco parentis milieu. Again, it is unfortunate that prosperity came due to campus growth and campus unrest and that it came before an adequate philosophy had been generated, particularly for campus law enforcement. Consequently, more personnel and better equipment has in many cases reinforced the traditional raison d'etre for student personnel and campus law enforcement, e.g., conveyors and purveyors of negative services.

Campus law enforcement, as did student personnel, had humble beginnings. This profession originated in physical plant departments with personnel serving as night watchmen. These men were given badges and guns but received little training. From night watchmanship the profession developed into security services. Again, primarily untrained and uneducated individuals were given badges and guns with the addition of uniforms, patrol cars, and more authority. During the last decade, some campus law enforcement personnel developed the concept of public safety services, and for perhaps the first time in its existence campus law enforcement had the beginnings of a viable philosophy.

The emphasis upon negativism in both professions is deeply rooted in their histories. Student personnel has been in existence approximately

seventy-five years as an identifiable function, and it is still searching for a way to be fully acceptable in the world of academe. Student deans came into being as an effort to relieve the president and the faculty of some of their least desirable duties, i.e., discipline. The profession progressed from assisting the faculty to helping students to the administration of various services and programs. During the late sixties, the concept of student development based upon the psychology of individual differences, human potential, and sound testing and counseling gave student personnel another chance to develop a contemporary philosophy.

New Directions in the Role, Goals, and Methodology for Student Development

It is difficult to state in definitive terms the role and goals or objectives of student personnel in an institution of higher learning. This is due in part to the profession's perpetual attempts to justify itself as an organic part of the teaching and learning process. In all fairness, student affairs professionals have great difficult not in generating a contemporary philosophy but in seeking to act it out. The concept of student development services and programs as opposed to socially and administratively oriented programs is educationally an acceptable and workable idea. But, unfortunately, due to (1) the traditional concept of discipline and negativism attached to student personnel and (2) the student unrest crises of the sixties and the day-to-day mini-crises, little or no time has been left for student development professionals to implement an educational philosophy on the campus. In other words, student affairs staff are unable to give direction and are often found reacting to events after the fact rather than providing leadership before the fact. Faculty never have fully accepted student personnel professionals as teaching colleagues because they do not perceive the student affairs role as distinctive. Unfortunately, student personnel as a practice is not viewed as an academic discipline, although it is taught as one.

Ideally, the role of student development personnel would be centered in counseling (and testing). Counseling would be seen as a vital part of the teaching function. The goals or objectives of such a role include providing competent and well trained personnel who specialize in human behavioral skills and relate them to curricular and research activities. As Thomas Emmet and others have suggested, the specific methodology for such would call for the abandonment of present administrative models such as Office of the Dean and/or Vice President for Student Affairs and would establish a human development center or school of human development specializing in health counseling, testing, study skills, drug education programs and counseling, sex education programs and counseling, financial aid counseling, career counseling, religious counseling, and research. These centers would be there, and by their very nature would deal extensively in the crisis intervention area. The persons working in these human development centers or schools would be a part of the academic program and would hold ranks such as assistant, associate, or full professor as opposed to administrative titles.

These centers or schools would be attached to the office of the chief academic officer and would be treated as a separate school or college. Certain credit courses in human development could certainly be taught utilizing center or school personnel and expertise. Student personnel functions such as discipline, international student advisement, and placement would in the larger universities become a function of the office of the academic dean in each school and college. Discipline utilizing the principle of peer judgement would be the primary responsibility of students in the respective schools and colleges of the university. (A proposal for student conduct can be found beginning on page 26 of **New Directions in Campus Law Enforcement: A Handbook for Administrators**, edited by O. Suthern Sims, Jr., published by the Georgia Center for Continuing Education, Athens, Georgia, 1971.) Housing in such a model would become an integral part of the instructional program or would be managed simply as motels or perhaps as student co-ops. The student center and union would be run exclusively by students. This model recognizes human development as an integral part of the teaching and learning process. It also gives status to the knowledgeable professionals now known as student personnel workers in the field; and,

further, it emphasizes student potential and capability in the total life of the university, particularly in areas such as student discipline, the union, and perhaps housing.

Since student personnel was born in in loco parentis and that philosophy is officially dead (particularly since the ratification of the 26th Amendment which enfranchises all persons eighteen through twenty years of age to vote in all elections), new models for dealing with the critical issues in human development must be studied. The preceding one may not be the best, but is an attempt at illustrating that current administrative student affairs systems are not adequate for colleges and universities embarking on the twenty-first century. However, if student affairs personnel fight new models as vehemently as they did the death of in loco parentis, then the entire profession may be extinct by the end of the 1980s.

New directions in the role, goals, and methodology of campus law enforcement is primarily the topic of this conference. The section dealing with student affairs is simply to recognize the close association of the two areas through the years and to show that student affairs is changing drastically and will change even more in the decades to come. Noticeably absent in the student development structure was any mention of campus law enforcement. The omission was by design, because the two should be separate in all aspects; but more will be said about this later in the paper.

The role of campus law enforcement on today's campus should be primarily an educational one. That is, public safety officers should teach by example to all members of the academic community what good, effective law enforcement is. Certainly, the primary objective of campus law enforcement is to enforce the law fairly and justly. Other goals and objectives include providing services such as police, traffic, and environmental safety. It is suggested that a department or division of public safety be established as the methodology to implement the educational goals and objectives of law enforcement. The campus police serve educational communities ranging in population from 10,000 to 60,000 with all of the problems inherent in any large community, and they can hardly afford to operate out of physical plant as simply a night watchman or security check function. On the other hand, campus law enforcement offices that mushroomed in personnel, equipment, and responsibility during the student turbulences of the sixties cannot afford to operate without a viable and functional philosophy. The philosophy suggested is one of education. An educational institution has many functions and many publics. If it is believed that the student is a total person and that he reacts to all stimuli in his environment, it is foolhardy to omit campus law enforcement as a part of the teaching function. Not just any type person can accept and work in a police department with such an operational philosophy. Just as it makes good sense for the Atlanta Police Department to hire personnel who live in Atlanta and understand the city, so it makes good sense to hire students who live in the academic community to work on the campus police force. Surely, they understand the complexities of the academic community better than someone who is outside or the community. It is further desirable that campus policemen be required to have at least a baccalaureate degree or be in pursuit of one. After all, the bachelor's degree is the minimum union card in the academic community. The master's is, of course, preferred.

There are skeptics who say that having a campus police office with an educational purpose, employing officers who are students, and requiring the baccalaureate degree or the pursuit of one will not work. These skeptics say that the campus police should enforce the law--and that is all. They further exclaim that students are too immature to perform the task, that they lack training and experience. Finances are also cited as an impediment. Such statements are, to say the least, shortsighted. Indeed, the general public expects more of its county and city policemen than just enforcing the law. They expect service from their public servants, and so does the campus. Since the average age of many student populations exceeds twenty-one, the question of maturity seems moot. Also, training will be provided, and lack of experience is not seen as a

deterrent. New directions in campus law enforcement can be achieved, however, only if the following are present:

1. **Chief executive support.** If campus law enforcement is going to be more than night watchmanship and more than security patrols, it must have support from the president of the institution: support that is demonstrative and visible!

2. **Student personnel support.** Since student personnel and campus law enforcement have historically been to some extent organically connected, it is suggested that a memorandum of understanding be generated to delineate carefully the duties of each office in dealing with students. This memorandum of understanding is a must! Since the two offices have had a close association through the years, it is mandatory that lines of differentiation and authority be drawn and precisely followed. Students today are asking to be treated as adults, and they should be. The campus is not a sanctuary. The laws of the federal, state, and city governments apply to students. Students do not lose their constitutional rights when they enter an institution of higher learning, but neither do they receive immunities from the laws of the land. It is imperative that there exist a mutual respect and understanding between the offices of the chief student affairs officer and campus law enforcement. In loco parentis subtly lingers on in many colleges and universities because student personnel deans assume that campus law enforcement officers do not have the training or judgement to handle properly the cases that come before them. Where this situation still exists, campus security personnel feel that the old dean is "protecting" the student and inhibiting the proper function of the law. This, of course, is an intolerable arrangement, and the end product is total confusion and disrespect for both offices by the student.

When the campus police department arrests a student, the office of the dean or vice president of student affairs should be able to feel that it has been done in a professional and educational manner. If a student is arrested in his residence hall room, assurance should be given that a search warrant has been duly authorized and that the student has been apprised of his rights. That is good procedure and good law enforcement education. The procedures would be spelled out in advance in writing. The department of public safety performs law enforcement functions. Student development personnel do not! Members of the public safety department are official representatives of the law. Student affairs staff members are not! Student affairs professionals are kept informed and seek to advise the student as best they can, but they should not involve themselves in the actual procedures of law enforcement. There are, of course, some fuzzy areas, but that is what the "memorandum of agreement" is for—to determine what is in the jurisdiction of the office of the dean or vice president of student affairs and what rightly falls under the jurisdiction of campus law enforcement. The memorandum of understanding would be based on the following assumptions.

1. In loco parentis is dead as a viable alternative in administering student discipline.

2. A complete separation of operational functions should exist between student affairs and campus law enforcement in dealing with violations of local, state, and federal laws on campus.

3. Professionalization of campus law enforcement should be in progress.

4. Student affairs personnel should view themselves as student development specialists and educators.

(A comprehensive discussion of the memorandum of agreement can be found on pages 34, 35, 67, 68, and 69 of **New Directions in Campus Law Enforcement: A Handbook for Administrators.**)

It would be easy for student affairs personnel to scapegoat campus law enforcement. However, the

campus police cannot be fully successful in their efforts to professionalize unless they have the complete support and mutual respect of student affairs staff.

3. **Financial Support.** It is easy to generate words and difficult to produce dollars. The right kind of public safety office and particularly a comprehensive police force will cost a great deal of money. It will be impossible to impose educational standards on public safety officers, expect them to show superior judgment, undergo intensive training, and then offer them a salary of $4,000 to $5,000 per annum. A competent professor demands a just salary. A competent student development specialist commands a reasonable salary. So does a superior police officer.

4. **Faculty support.** Faculty as a group are rather traditional in their interpretation of formal education. As indicated earlier, this is one of the reasons that student personnel has found difficulty in acceptance. Campus law enforcement may not fare any better, but they can try. Campus law enforcement would be wise to gain faculty support in attempting to implement new directions. Faculty members in a department of police science and/or public administration could be most helpful in interpreting new approaches and new thrusts to the faculty at large. Using students as officers is also helpful in providing positive feedback to faculty. An excellent campus law enforcement department could provide practicum experiences (for university credit) for students in police science and public administration programs. This, too, could assist in gaining faculty support.

5. **City and county police support.** This is no doubt a difficult area because the kind of program discussed herein will more than likely be superior to surrounding community police agencies. The pay will be better, the training excellent, and the men younger. Town-gown difficulties could arise but with careful planning and good public relations can be overcome.

6. **Student support.** All efforts to create a new-look campus police department will be to no avail if the students are not included in the planning and development. They, like the faculty, are not predisposed to open their hearts to police departments. However, today's student is vitally concerned with the concept of community and, perhaps even more than the faculty and administration, will accept a campus police department that enthusiastically champions education as its prime reason for being. Students will be the most enthusiastic supporters of such new directions in campus law enforcement. Parenthetically, what greater student input could be had in the development of a viable campus police department than a cadre of officers who are themselves students?

Conclusion

An effort has been made to discuss new directions in student affairs and campus law enforcement. It has been suggested that new models must be employed if the functions are to survive. Human development as a separate school or college in large universities with the abandonment of the traditional student affairs office is proposed. Student participation and actual student control of several traditional student personnel prerogatives (i.e., discipline and student activities) is viewed positively. Campus law enforcement is seen as a part of a public service program to the campus community. Its purpose in the community is education. Educated, well-trained, intelligent public safety officers can teach by example and hopefully show students as well as faculty and staff what effective and efficient law enforcement should be. Certainly, a student's education is not complete if he leaves with a negative perception of law enforcement. Is the university not the place for an ideal law enforcement department?

INTERNAL OR EXTERNAL GOVERNANCE: A CHALLENGE TO ADMINISTRATORS

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In order for us to understand each other throughout this workshop I think it is important that two premises be articulated. They are:

1. The university is a community, and
2. A campus law enforcement operation is one having full police authority functioning within the framework of legally established guidelines.

I recognize that either or both of these concepts may be different from what you might perceive your institution or operation to be.

First, consider the university as a community and for purposes of explanation permit me to use Michigan State University (MSU) as an example. At present, the university's students, its employees, the married housing residents who are neither students nor employees, and the non-university on-campus people who are served by the university comprise a population of more than 65,000 citizens. This number, compared to the 1970 federal census report, places MSU as the eighteenth largest city in the state of Michigan. Furthermore, viewing this figure in comparison to Michigan's county populations, there are more people residing on campus than in sixty-nine of Michigan's eighty-three counties.

In our case, the university has its own water supply and distribution system, produces and distributes steam for heating all buildings, produces steam to generate all electrical energy used on campus, builds and maintains the public roads within the campus, shares in the operation of a sewage disposal system, and shares in fire fighting operation. In addition, the university also maintains its own campus law enforcement agency.

Through these services all persons who live on campus, as well as those who work, study, or merely partake of university activities or facilities but sleep elsewhere, are receiving typical public benefits that are normally provided in communities that have a political base for their existence. From another point, the university's highest official, the president, occupies a position that can be compared to that of a mayor or city manager. The president is responsible to a Board of Trustees, a body which is not unlike a city council. Since ours is a state institution, the eight members of this Board are elected to their office by the total electorate of the state.

The Board has specific responsibilities and commensurate authority derived from the state constitution to fulfill these responsibilities, one of which is to control the lands and buildings that are the property of Michigan State University. To accomplish this task the Board has authority to enact ordinances and to employ people to enforce them through the office of the county prosecutor and the appropriate state courts. Therefore, a citizen who violates a university ordinance has the

same rights from and responsibility to society that any other citizen has when he violates an ordinance elsewhere in the state.

These several points demonstrate quite adequately that MSU is a community. Other university leaders, like Dr. Louis Kaufman, President of Los Angeles City College, writing in the October 1971 issue of **Industrial Security,** have stated that theirs, too, are communities having all the problems of any other city——including that of crime.

If we are agreed that the university is a community, then we must accept the fact that the community's citizens should be afforded public services that are their right. One of these services is protection of life and property. That is normally provided in part by the police, which fact leads to the second premise.

The campus citizen is not now (nor has he really ever been) living in some Utopia or Shangri-La that is free of criminal activity. The long-held myth that the university is a sanctuary for criminals or from criminals was shattered many years ago. If not then, events on the campuses in the latter half of the 1960s and the increasing quantity and severity of crime most certainly must have put it to rest for even the most unconcerned or unbelieving citizen. A review of the 1970–71 Michigan State University Summary of Criminal Incidents, which is included as a part of this paper, should convince anyone that MSU is not crime free. Furthermore, featured articles appearing in the December 24, 1971, issue of **Crime Control Digest,** in **U.S. News and World Report,** November 22, 1971, and in the already mentioned **Industrial Security** magazine describe situations on other campuses that demonstrate that our problem is not unique.

Actually, the experiences on campuses across this nation are little more than a mirror image of what's happening elsewhere. Crime has reached such gigantic proportions that it has become a focal point for people seeking public office. In addition, crime's impact upon our economic stability at the local, state, and national levels appears to be beyond accurate measurement. Society has assigned to the police the task of being the initial level in a series of public service agencies, collectively known as the administration of justice system, to deal with crime problems. Therefore, one of the first steps that a community should take is to establish a police operation for the protection of its citizens. From my vantage point university communities overall have approached their fulfillment of this responsibility in a variety of ways. Some of them are very peculiar, and others are not only peculiar but also illegal.

Examples include but are not necessarily limited to the following:

1. Establishing a form of police operation and making it responsible to a university official who does not have the authority to make legally binding commitments in behalf of the institution.

2. Establishing a form of building watchman service utilizing armed personnel who have no legal ability to bear arms or use deadly force and who can make nothing other than a citizen's arrest.

3. Establishing a form of police operation which has proper legal authority but which is prevented from exercising that authority in cases where some university official decides there should be extra-legal standards of justice.

4. Establishing a form of police service having legal capability but whose members routinely perform only watchman or caretaker duties.

5. Establishing a form of police service and staffing it with unqualified personnel who are incapable of fulfilling the unique requirements of university citizens or the employing institution.

The end result of this motley collection of agencies is confusion, ridicule, unnecessary physical and legal confrontation, damaging judicial decisions, and a high degree of despair by those most concerned——the university citizens. In addition, the non-university person, particularly the taxpayer, the financial contributor, and the

politician, have reacted to the campus scene in a variety of ways. Unfortunately, most of this reaction has been less than favorable for institutions of higher education. We have reached the crossroad where time for more inaction or questionable action can only be seen by the general public as a situation where the university is incapable of mature citizenship. Basically, it boils down to this--"do your job or we'll do it for you."

I don't feel that the several layers of government and their agencies have a great desire to impose themselves upon or to provide costly services to the university. However, there are clear signals that the citizens, both within and without the walls of higher education, are rapidly becoming disenchanted with some of our more cherished privileges, one of which is internal self government. There is an expression that says, "A dark cloud has a silver lining." For us, mass disorder and heightened criminal activity are serious issues and are thereby the dark cloud of my analogy. Their silver linings could be the focus of attention upon the campuses, heretofore almost forgotten and often neglected, that may provide the potential of an opportune time to take a positive step in behalf of all on the campus.

Appropriately accomplished, a campus law enforcement operation will prove its benefits to the general public, too. Municipal, county, and state police agencies are hard pressed to do more than their normal work. Therefore, they will or should be the first to applaud the acceptance of community responsibility by the university. Moreover, their more astute administrators have recognized the wisdom of community law enforcement service as being an appropriate service in the minds of those being served.

If you believe or suspect that you have a need for a full-fledged police service for your campus, let me suggest some ideas for your consideration:

1. Before taking any action determine the legal restraints and capabilities that you have.

2. Analyze your records so that you can identify the problems to the best of your ability.

3. Place the department head in the organizational structure so that he is directly responsible to the chief administrative officer.

4. If you have to employ a department head, look for a professional and then give him the unfettered administrative ability to hire, promote, and fire personnel under his direction.

5. Encourage your department head to consider and implement innovative ideas even to the point that the department might become a functioning laboratory for the entire university and law enforcement in general.

6. Be prepared to provide administrative, moral, and financial support to the department's objectives and personnel.

There could well be a storehouse full of other considerations, but these will serve as a starter. Now let us talk a little about each.

I recognize that there are probably as many different kinds of ground rules under which our universities function as there are institutions represented here. Despite this I have no reservation in feeling that given the proper base of understanding you can organize and establish a complete policing operation under university control on your campus. Naturally, such an involvement must be done in harmony with people inside and outside the institution. This creates an atmosphere of cooperation. Unilateral action by the university will doom this concept or almost any other idea from the start. Success to a large degree will depend on what is done in the preparation stages and initial decision-making processes.

The university's collective experience and records should be studied by competent analysts so that an early and accurate focus can be brought to bear upon the problems, the identifiable needs, and maybe some solutions. Do not compound your problems by conceiving a program and developing a staff only to discover that this is not what you need, can live with, or can afford! Walk before you

run; bite off only what you can chew; and be on reasonably firm ground before making philosophical and financial commitments. In addition, and for what it is worth, it may be money well spent if you have an objective police professional look at your department's records. Statistics do not lie, but they can be used to tell almost any story the teller wants to tell--and therein lies the dilemma.

Law enforcement is such a sensitive and important public service that it cannot be relegated to a lowly position in the administrative structure of any community's government. Cities, counties, and states recognize this, and their police department heads normally are directly responsible to the chief administrative officer, be he mayor, city manager, or governor. This arrangement does not exist because the officials want their own personal army. Rather, it is a recognition of the fact that when a department's personnel have the legal capability of using deadly force and restricting a citizen's liberty there is a vital need to know what is happening and to be directly involved in the chain of command when things get hot. It is tragic, but universities and colleges have often failed to comprehend this basic concept.

There are only two positions of MSU officialdom that are capable of exercising the leadership and emergency direction that our operation needs and deserves. One is the office of the president, and the other is the office of the executive vice president. Both of these offices have university-wide concern, and each can make legally binding commitments for the university. A dean of students, a business officer, a superintendent of the physical plant, or an administrative assistant stashed away amid the layers of bureaucracy that every organization has does not meet this requisite. Moreover, when they are in the chain of command, communication and leadership are diluted, delayed, and of little consequence. It is amazing that things manage to fall into some semblance of order under these structures. It is not amazing, however, that bedlam breaks loose when something out of the ordinary occurs. The need for the proper organizational placement of the police operation is so important that it might be better to have no operation at all than to have it exist in an ineffectual or dangerous position.

If you are in the market to employ a campus police chief I urge that you seek a professionally oriented person, who has not less than a baccalaureate degree, who is not retired from an earlier occupation, and who may have had some campus experience. Administering a campus law enforcement operation is a demanding, challenging and worthwhile experience. It should not be attempted by someone who is less than the best you can acquire. Believe it or not, I am aware of one situation where the campus chief was appointed to his position because he had been the president's chauffeur--and without other and more meaningful qualifications. This same chief had, as five of his nine sworn officers, individuals who had been fired for cause by adjacent police agencies. Needless to say there was little respect extended by these agencies to the campus department because they knew the type of personnel being employed.

In addition to the acquiring of a top flight administrator, the administration must beware of making him second rate by denying him the ability to surround himself with the best personnel he can get. His position is similar to that of a jockey who needs a good horse to ride if he is going to win. If you employ a professional, it is almost guaranteed that he will be able to establish standards for employment, develop a merit promotion system, and devise a fair standard for dismissal when that serious step must be taken. When forces outside the department usurp these administrative prerogatives, decisions are almost always based upon personal reasons rather than in the interest of the department or the university.

The campus police service can also provide great public service if it is encouraged to consider alternative methods to the traditional means of accomplishing law enforcement responsibilities. The development and implementation of innovative concepts would fill the hopes of those who put together the President's Crime Commission Reports five years ago. Their remarks then were directed in the main to the political communities. However, little appears to have been

done. A university has the objective of performing research in behalf of society, so there is good reason to utilize the medium of a campus service agency to operate as a laboratory. Such experimentation can be done in concert with the requirements of law and the ideas of interested academic disciplines.

Law enforcement does not and cannot perform in a vacuum. Citizens, particularly concerned citizens, must become involved in a constructive manner. Therefore, to involve them through their interaction with a campus department that has on-going responsibilities could be an effective means of bringing the police and the citizens they serve together.

Lastly, be prepared, if you decide to establish a department, to give administrative support to the operation in the face of self-appointed critics who carry no responsibility. Be prepared, too, to provide moral support when things are not always the best but can be corrected. At the same time, say a hearty "thank you" to those involved when good work is done. Beyond this, be prepared to invest significant financial support to implement the operation and to sustain and retain the employees involved. This is not a one-shot deal. It is on-going and represents a continuing philosophical and financial commitment. If you are not sure, delay your decision or seek another answer. Police service, as we all know, is not inexpensive. Its price and quality have increased. You can utilize retreads; the retreads can operate after a fashion with run-down equipment, and the retreads may appear to be on duty beyond time limits established for other employees. This is a calculated risk which, if pursued to the unknown point of no return, can result only in chaos.

In conclusion, let me remind you that we all are citizens of two communities--one that is politically oriented and the other that has a central purpose of higher education. Your responsibility and right for this dual citizenship is to give consideration to the similar problems and needs of both communities. Second, please do not confuse yourself and others by calling a campus watchman service or some form of illegal operation a campus law enforcement department. If yours is one that deserves one of these labels and you want to make a change, the time to do so is now. The public both on and off campus have become cognizant of the need, and they should now more than ever be sympathetic and understanding to a proposal for impovement.

MICHIGAN STATE UNIVERSITY ANNUAL SUMMARY OF CRIMINAL INCIDENTS

Part I Offenses	Offenses Known		Property Losses and Recoveries		Offenses Cleared By Arrest		Persons Arrested			
									Total	
	This Year	Last Year	Losses	Recoveries	This Year	Last Year	Charged	Prosecution Declined	This Year	Last Year
CRIMINAL HOMICIDE										
Murder & Manslaughter	2				1		1		1	
Negligent Manslaughter										
RAPE										
By Force	6	3			4	1	3		3	
Attempted	3	1				1				1
ROBBERY										
Armed	4	6	194.63			5				1
Strong Arm	7	12	71.75	20.00	2	5		2	2	10
ASSAULT										
Gun	3	3			1		1		1	
Knife, cutting	6	3			6		1	3	4	
Other Weapons	6	5			3	1		1	1	1
Aggravated	70	65			37	35	9	28	37	57
Non-aggravated	14	13			3	1		6	6	11
BURGLARY										
Forcible	41	43	10333.75	621.95	3	3	2	1	3	5
Unlawful Entry	539	470	53710.56	6410.81	75	12	12	38	50	19
Attempted	24	15	145.00			2		3	3	1
LARCENY THEFT										
$50.00 and over	734	807	103008.15	16997.65	57	48	30	36	66	72
Under $50.00	1435	1300	35826.89	4315.50	103	95	41	60	101	135
AUTO THEFT	58	64	33444.39	25980.00	8	11	1	4	5	20
Total Part I Offenses	2952	2810	236735.	54345.91	303	220	101	182	283	333

Part II Offenses	Offenses Known		Property Losses and Recoveries		Offenses Cleared By Arrest		Persons Arrested			
									Total	
	This Year	Last Year	Losses	Recoveries	This Year	Last Year	Charged	Prosecution Declined	This Year	Last Year
ARSON	10	10	13083.96		2	1		1	1	2
FORGERY	17	4	1308.72	70.00	12	1	7	3	10	1
FRAUD	9	7	1362.86	251.00	4	1	1	2	3	2
EMBEZZLEMENT	2	2	7711.00		1	1	1		1	
STOLEN PROPERTY LAWS	14	8	163.00	163.00	10	7	2	12	14	8
VANDALISM	141	203	17840.58	762.75	18	25	5	19	24	55
WEAPON LAWS	35	55			34	52	6	25	31	59
PROSTITUTION & COM. VICE										
SEX OFFENSES										
Indecent Exposure	32	32			7	8	2	3	5	10
Sex Motivated	23	22			5	8	2	2	4	6
Window Peeking (Prowler)	62	46			14	9	4	5	9	10
Homosexual Activity	5	10			5	9	3	1	4	11
Obscene Telephone Calls	27	45			2	2	1	1	2	7
All Other	3	3			2	2	1	1	2	5
NARCOTIC DRUG LAWS										
Opium – Cocaine	10	6			8	2	8		8	3
Marijuana	66	43			45	25	25	31	56	31
Synthetic	2	1								
Other	12	12			8	7	1	7	8	8
GAMBLING										
Bookmaking	2									
Numbers										
Other	2				2			6	6	
FAMILY & CHILDREN	13	12								
D.U.I.L.	151	117			151	117	137	12	149	127
LIQUOR LAWS	187	217			186	217	225	131	356	486
DRUNKENNESS	29	27			29	26	23	9	32	33
DISORDERLY CONDUCT	32	26			19	20	8	18	26	24
VAGRANCY										
ALL OTHER	537	671	1223.59	867.00	359	448	157	275	432	756
Total Part II Offenses	1423	1579	42693.71	2113.75	923	988	619	564	1183	1644
Total Parts I & II	4375	4389	279429.	56459.66	1226	1208	720	746	1466	1977

FACTORS TO BE CONSIDERED IN THE IMPLEMENTATION OF A VIABLE CAMPUS LAW ENFORCEMENT PROGRAM

William McDaniel
Director of Public Safety, Wayne State University

Let me begin with a quote from the December 6, 1971, **Detroit News Metro-North**:

> Oakland University's survival handbook warns students living in dormitories that "you ain't at day camp baby." The handbook goes on to explain that more than 200 property thefts were reported last year to the O U Public Safety Office and that a key to survival for residents of the school's seven dorms is to keep their doors locked. But, now there is a relatively new dimension of campus crime that has students worried––personal assault and armed robbery.

I have been asked to speak today upon those "factors to be considered in the implementation of a viable campus law enforcement program." Although certainly a subject of prime importance to those of us gathered here today, it is a topic much too broad to cover in detail within allowable time limitations. Instead I will attempt to concentrate upon those factors most critical in determining eventual success or failure of such a program and elaborate upon a most pressing phenomenon facing all involved in the business of running our major universities.

The phenomenon of which I speak, one that should be most painfully apparent to all university administrators, is our "loss of innocence," so to speak. The past decade has witnessed a transformation of our university campuses from sheltered institutions of higher learning to hotbeds of political activism, not to mention their skyrocketing growth. Add to the picture a burgeoning transcient population embodied with views, standards, and expectations that encompass the entire spectrum of social behavior, and you begin to achieve a perspective of the challenges that face us. Universities have been transformed into complexes rivaling middle-sized cities, containing all the elements that go into the makeup of an urban setting.

One of the most serious challenges facing us today is the problem of crime on our campuses. As with any special problem, an effective solution calls for a specialized approach. The problems of law enforcement, nationwide, call for, and have necessitated for some time, a very specialized approach which tends to remove solutions from the grasp of the layman. The Supreme Court of the United States, especially the Warren court, has layed foundations or rules governing arrest and prosecution that have left many top police officials as well as practitioners of criminal law at unending odds over interpretation. Law enforcement has become a very exacting, complicated affair beset with legal pitfalls and technical complexities that often seem to defy solution.

I am sure that few of us would consider embracing the paternalistic philosophy of in loco parentis common not too many years ago, as the virtual size and resultant depersonalization of our institutions would defy this approach. Almost

without exception, students attending our institutions now arrive at the age of majority and henceforth demand to be treated accordingly as adults. We increasingly find ourselves as administrators operating under the same rules and restraints imposed upon our counterparts in business, industry, and government. The parallel between society and the campus is not coincidental and, whether we like it or not, campus communities have become microcosms of American society with all of its potential for social ills as well as its benefits.

Armed robbery, felonious assault, rape, murder, riot, breaking and entering, larceny, extortion, and narcotics are but a few of the novel activities that have found their way into our once sheltered and peaceful campus communities. How do you handle these situations? How have you handled them in the past? Whom have you turned to for help? City police, sheriff's departments, or state police? Once outside law enforcement agencies have been called in, do you have or have you maintained administrative control of the situation? Is there a correlation between the number or cycle of sensational crimes or crisis situations and the turnover rate for your administrative staff? It is my opinion that the primary reason for the tragic failure of many university officials to maintain safety and order on their campuses can be traced to the lack of an adequate program of law enforcement and physical plant security.

Criminally inclined persons and potential disruptors are experts at recognizing and ferreting out weakness or unpreparedness and will press to their maximum advantage where possible. Much of the current criminal activity and disruption plaguing our campuses could be vastly contained simply by creating a competently headed, well trained and equipped campus police agency to deal with ordinance and law violations, coupled with a firm, predictable, and meaningful administrative disciplinary policy designed to deal separately with breeches of administrative rules and regulations. I believe that the crux of the whole subject rests upon consistency and predictability. University administrators charged with security enforcement responsibilities could very easily take themselves off the hot spot upon which they now suffer by creating such a department with a professionally oriented police administrator of proven dependability and allowing that man to do his job without interference. Should such an enforcement director prove undependable or incapable, he should be replaced immediately; but until then, he should be given as much confidence, backing, and latitude to deal with enforcement problems on campus as possible. Once such a program is in effect, policies and procedures concerning law violations and breeches of order should be publicized as much as possible. Fear of bad publicity to the contrary, only the most sheltered and naive person in today's society would think of a large university community as void of criminal intent or all the normal human failings. It has been my experience that there will be little trouble once potential criminals and disruptors learn that a university administration has adopted a no-nonsense policy complete with enforcement machinery and will not hesitate to invoke the process. The criminally inclined and those bent on creating disorder will go elsewhere and plague the administrator who has not taken the initiative to protect his institution and himself. A campus with a population ranging from twenty to thirty thousand like any medium-sized city, will always experience criminal activity. There will always be the types of individuals who will infringe upon the rights of others and commit criminal acts. University administrators must realize that a criminal act must be prosecuted as just that, a criminal act.

When dealing with "factors to be considered in the implementation of a viable campus law enforcement program" within a given university community setting, I should like to borrow heavily from my experiences gained from having shared in the implementation of such a program at Wayne State University, located within the inner city of Detroit, Michigan. Recalling those experiences, I would determine the "climate of the institution," or its need and willingness to adopt a campus law enforcement program, to be the first factor for consideration. In my example, Wayne State University was ready for such a program because of safety and security problems it had been previously experiencing.

Wayne State University is located in downtown Detroit and is about as "inner-city" as any college

or university could possibly be. Wayne is unique among universities for several reasons, least of which is the fact that it is an inner-city school. Where most colleges or universities have a campus, Wayne is made up largely of University-owned buildings and properties scattered throughout the central city in such a fashion that the institution would escape the notice of someone merely driving through the area. Perhaps the most unique feature of Wayne State University is the fact that it maintains only one resident dormitory capable of housing perhaps 250 women students. The University is geared primarily for the commuting student and serves all surrounding suburbs as well as the city of Detroit proper.

Although the normal problems associated with resident dormitories are absent, the University is beset by all the problems normally encountered in a major metropolitan area. Street crimes such as larceny and robbery are especially prevalent in the immediate areas surrounding the primary concentration of University buildings, or the primary complex. University safety officers currently answer requests for police services stemming from armed robberies, shootings, cuttings, family disturbances, and all forms of violent behavior as well as the more routine, service-type runs. The immediate areas surrounding the University comprise the First, Second, and Thirteenth Precincts of the Detroit Police Department, long considered by many authorities to be among the toughest police beats to be found in the civilized world.

During the last decade Wayne State University, along with most major universities nationwide, embarked upon a continuing program of building and expansion. During this time, it became apparent to the University administration that among its various growing pains was the fact that existing police protection provided by the metropolitan or municipal department was inadequate and unsuited to the special needs of the University community. This realization, coupled with several shocking incidents of criminal assault against University persons, resulted in the establishment, in July of 1966, of the Wayne State University Department of Public Safety. Before its formal establishment, it was decided by all involved that the new University or Campus Security Force (as it was called at the time for lack of a better term) would, by necessity, have to depart from the traditional mold of "campus cops," experiment with and search out new concepts of university policing to cope with a crime problem of major proportions as well as the unique characteristics of the institution which it would serve.

Lest I become diverted from the main topic at hand by digressing upon the subject of "unique concepts" (another topic for another time), allow me to point up what I believe to be the second factor for consideration for implementation of a campus enforcement program——a complete survey of security enforcement needs within a given institution. Such a survey will necessarily conclude with a completed, written report containing a study outlining all existing breeches of physical plant security, special enforcement problem areas, traffic and parking studies where applicable, property and building control, crowd control, and potential outside factors influencing the total safety security operation (e.g., public access thoroughfares, surrounding community conditions, etc.). In addition to pointing up problem areas, a complete survey would include proposed enforcement methods and procedures with prevention and correction programs explicitly outlined including alternatives indicated where desirable, enforcement policies, mutual aid and cooperation pacts with outside agencies, a complete and accurate initial cost analysis, and an analysis of projected costs and manpower equipment requirements determined from current as well as an anticipated rising cost index. Also, it is at this stage of the initial proceedings that the type of enforcement program should be agreed upon by consensus among the greatest number of key administrative personnel within the institution that can be approached. It is important that we be practical when assessing the overall acceptance of a given law enforcement program at any institution, which brings us to the third factor for consideration, "integrity of the administration."

Allow me to assure you that I do not refer to "integrity of the administration" as a negative or demeaning term, but as a frame of reference within which to determine the degree of concurrence with the overall aims and goals of the

organization as shared by the key administrative personnel. An administration in the turmoil of a changeover or beset by internal dissension and personality conflicts does not present an acceptable climate for any new proposals. Especially acute is the potential for endless disagreement concerning the nature of the proposed enforcement program as perceived by liberal as opposed to more conservative members of the administration. It is imperative that as great a percentage of the administration as possible agree upon and be willing to give maximum support to the program, as eventual resistance and resultant emotional opposition to any program of law enforcement will certainly magnify initial doubts or misgivings. If the administration is unable to agree, insensitive to the problem or noncommittal during the initial period of the proposed program, it may be wise to work actively for support through an internal relations program designed to persuade and educate members of the governing body to recognize the need for the program or temporarily withdraw and wait for a more favorable climate for acceptance.

Provided that we have correctly determined that the climate of a university community is such that a need for a progressive law enforcement program is recognized by its members, that we have completed an all encompassing survey and have decided on the type of enforcement program to be applied, and that the administration of the institution is willing and able to give total backing and support, our next factor for consideration would be assurance of an acceptable position within the table of organization. Considered by many as a factor of lesser importance to be determined as the program settles into its "niche within the scheme of things," the person to whom the program director reports often spells the difference between success or failure from the outset. It is my opinion that the chief or director should report directly to the president, certainly no further down than the executive vice president. Because of the sensitive nature of law enforcement within a university community, it certainly will not do for the chief or director to report to the grounds supervisor, director of student affairs, or another whose span of influence is so limited. The director of the law enforcement program must be in a position to communicate directly with those administrative personnel whose duties and authority affect all phases of the university community as does the total impact of any law enforcement program upon a community.

The fifth factor for consideration, "commissioning and police authority," was one area that presented a problem during the early establishment of my own department at Wayne State University. Wayne's public safety officers are currently commissioned as city of Detroit police officers, but not before an unsuccessful attempt to introduce and pass special legislation through the state assembly and an unsatisfactory arrangement with the local sheriff's department. Practically speaking, commissioning and police authority, or lack of it, is going to be a most decisive factor in determining just what role the department will eventually assume. It is rather difficult to aspire to a police or safety operation when such commissioning is not forthcoming. Statutes and ordinances vary from state to state, and it may require an amendment to an existing state constitution to gain the commissioning and authority necessary. Of course, these are factors that must be researched and resolved before any meaningful enforcement program can be put into operation.

Assuming that we have laid out initial groundwork well and all preceding "factors" have been satisfactorily fulfilled, we now come to the sixth factor chosen and perhaps one of the most important. The key to the success of an organization or enterprise most often lies with the caliber of its staff. Proper recruiting and selection is the foundation upon which all organizations are built and is especially important when building a law enforcement program intended to serve a university community.

Citing our own experiences at Wayne State University, rigid recruiting and selection standards were applied from the very beginning of the program, and the Department of Public Safety at Wayne currently maintains among the highest (if not the highest) entrance requirements of any law enforcement agency in the nation. In addition to the most exacting physical, mental, and moral standards, an applicant must possess the bachelor's degree (preferably in a police-related field) and

must be accepted in an approved field of graduate study as prerequisite for acceptance. Once accepted, the applicant is entered into the Detroit Police Department Academy for sixteen to eighteen weeks of intensive basic police training. After graduation from the Detroit Police Academy, the recruit officer is required to complete successfully a Department of Public Safety eight-week Law Enforcement Internship Training Program. Upon successful completion of over six months of intensive training, the recruit officer is then placed on one year probationary status requiring monthly evaluations from supervisory officers. If the public safety officer is confirmed after his one year probationary status, he is expected to continue his graduate studies as well as participate in continuing departmental in-service training programs designed to keep him abreast of developments in the field of law enforcement.

Hand in hand with recruiting, selection, and training, retention is most important to insure continuation and maintain high standards for a viable campus law enforcement program. Retention can be accomplished only by offering salaries, fringe benefits, and working conditions comparable to those found in like situations in the private sector. The highest standards and best training are to no avail if personnel are frequently lost to competing organizations.

Retention was considered early in the development of our public safety operation at Wayne, and it was then recognized that salaries and benefits must be maintained on at least a parity level with surrounding agencies. At present, our public safety salary scale is $500.00 above that of the Detroit Police Department, and our officers are included in the excellent University staff-faculty benefits program which provides free major medical and hospitalization, a seventeen day per year accumulative annual sick bank, free life insurance, paid vacation, paid holidays, and a very generous retirement program, in addition to eligibility to join the Detroit Teachers Credit Union and share its many benefits and savings.

The seventh and last factor to be considered and one that I feel is most critical not only to the implementation of a program of campus law enforcement but also to its overall success, is the early development of an all encompassing, intelligently planned, and continuing public relations program. No single factor could prove more quickly fatal to an administrative program than a communications and/or credibility gap between itself and the community that it serves. I cannot overly stress the importance of this factor, as continuing support for the aims and goals of a law enforcement agency rely almost totally upon not only the good will and understanding of the governing body but also the cooperation of the community as a whole. There is a direct ratio between the success of any enforcement program and the degree of ready cooperation given by citizens on the streets. An effective public relations program must not end with the citizen on the street, however, but must be directed toward the entire community spectrum, covering all areas such as human relations, community relations, press relations, internal relations (inner-agency) as well as personnel relations (inner-departmental). Citing experiences at Wayne, our public relations program includes such devices as printed training bulletins concerning enforcement problem areas and distributed community wide, a standing speakers bureau, formal University personnel orientation programs, monthly general officers meetings, participation in community block club meetings, participation in area youth and Boy Scout programs, an open house and chief's open door policy, publication of an annual report, close and continuing liaison with members of the press, radio and television presentations, development of public relations films and film strip presentations, involvement in police and non-police social functions such as the departmental Fraternal Order of Police Chapter, university bowling leagues and competitive shooting programs, not to mention continuing monthly and quarterly reports to the administration.

We felt that an outstanding community public relations medium was developed by our department with the introduction of our "blue light" program at Wayne, which currently comprises over sixty emergency call stations readily designated by blue mercury vapor lamps of high visibility design, located throughout the

university community. Each lamp is strategically placed in such a manner as to place the citizen within at least one-hundred yards of an emergency phone with a direct line into the Public Safety Headquarters Communication Control Center, automatically recording location upon being activated by the citizen. The blue light program, preceded by a planned series of public information bulletins and mass media coverage, was an immediate success. We observed that the program did more to win the citizen over than many of the foregoing public relations methods combined, as this program was a visible and readily appreciated measure to increase citizen safety and security as well as provide immediate means of reporting criminal activity or need for police service.

But, while considering all of the foregoing public relations methods, the single most effective public relations medium rests with the personnel of the organization, their awareness of the need for favorable public relations, and their acceptance by the community. Our public safety officers at Wayne are constantly reminded of the importance and need for favorable citizen contacts and have developed public relations programs among themselves, one such requiring each officer assigned patrol duties to approach at least one citizen daily (a citizen on the street or a local merchant) and inform that person about our department, the services we provide, our primary goals and aims as a law enforcement agency, and how the citizen can best cooperate and assist the department in its mission. We feel that such emphasis upon public relations has aided measurably to the position of respect within the community which our officers currently enjoy.

In summary, those "factors to be considered in the implementation of a viable campus law enforcement program" are:

1. Climate of the institution
2. Survey of security-enforcement needs
3. Integrity of the administration
4. Acceptable position within table of organization
5. Commissioning and authority
6. Recruiting, selection, training, and retention
7. On-going public relations programs

These seven factors enumerated and discussed are, to be sure, not the entire picture but represent possibly the most critical factors with which to contend when implementing not only a campus law enforcement program but also any venture where combined and coordinated effort is put into play to provide the highest level of service to the public.

Before closing, I wish to address myself to, and recognize, the representative functions of those gathered here today with respect to student government leaders, university administrative officers, and my fellow chiefs and security directors. As I look about the room, I am gratified by the familiar faces of fellow chiefs with whom I am personally acquainted. I have personal knowledge of their fine departments and the outstanding jobs that they have done at their own institutions. I am sure that most present are aware of the factors we have discussed, have implemented them within their own departments, and have done their jobs thoroughly and well, although possibly not always realized or appreciated by their individual communities. Total community awareness is a must for materialization of our goals, aims, hopes, and our striving for fulfillment of the responsibilities that we have been privileged to accept.

We have had our challenges set before us, for we are most certainly entering a new era of redefined relationships between not only student bodies and university administrative functions but also university communities and the total society with which they interact and reflect. The university experience must provide a testing ground for the idealism and inventiveness of our student populations while consciously providing them an example of dedication to professionalism and civic virtue as a frame of reference to carry over into later roles in society. The example of which I speak must rest not only with the faculty-administrative functions but also with all members of the university community, students, faculty, staff and administration alike.

I wish, at this time, to offer a challenge to all gathered here, a challenge to raise to the level of excellence the examples that we set in our areas of responsibility within our university communities. Each of us can aspire to such levels of example by constantly raising our minimal levels of performance and expectations to include only competent, professional conduct on the part of those with whom we interact. Those of us representing student bodies can best achieve and maintain an example of excellence by demanding to be treated as adult members of society, by accepting all responsibilities as well as privileges, and by assuming an uncompromising attitude with respect to overall excellence of services, academic as well as non-academic, provided by our respective institutions. Those of us representing governing bodies and administrative functions can insure maximum levels of efficiency by selecting only the most competent personnel to head departments, especially the law enforcement-security functions, by supporting such subordinate administrative officers through adequate funding, support for their programs, confidence in their abilities, and insisting upon the highest ideals of professional conduct. Lastly, those of us representing the law enforcement profession must insist on absolute integrity, uncompromising moral and ethical behavior on the part of subordinates, and complete dedication to service to our communities.

STUDENT JUDICIAL SYSTEMS FOR THE SEVENTIES

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In thinking about the implications of the coming of the Constitution to the campus, I glanced back through my personal time log for the fall quarter. I found that during the last three months, my professional work has, in large measure, been directed toward the disciplining of a single student. During this three-month period, I estimate that I personally have spent three hundred hours on this student's case.

One reason that so much time has been devoted to this case is that the student initiated a federal court action which has accompanied the disciplinary proceedings. We have gone to court four times at the instance of the student plaintiff, with the full trial being held last Monday. Each courtroom preparation has taken a minimum of ten hours of attorney time. In this case, because of the litigation in the federal court, we have retained outside counsel to assist our in-house counsel. That outside attorney's first billing for thirty-six hours was in excess of $2,000. In terms of time expenditure, it is my estimate that approximately 1400 hours, including secretarial time, have been spent on this student. If we were to convert time to dollars, the dollar expenditure on this case, very conservatively estimated, amounts to between $20,000 and 25,000.

These figures indicate that the cost of bringing the Constitution to the campus, at least in this one student's instance, has been tremendously expensive. In a time of diminishing resources for higher education, will there be the resources to sustain perhaps increasingly expensive systems of student justice? For example, consider the salary expenditure that the University of Georgia, our host institution, annually commits to its Judicial Office. Four professional employees staff this office. It would not be far fetched to assume that the operation of this office costs the University $50,000 to $60,000 a year in salaries alone. Can the University continue this expense? Conversely, can the University afford not to have a professional disciplinary system?

In view of the expense of a professional campus justice operation, changes in student characteristics and campus environment, and the possibility of using the criminal law to enforce campus discipline, is there any reason for a campus disciplinary operation in the seventies? The thrust of this question may be sharpened by considering some of the directions which higher education may take in the '70s.

First, **the university without walls.** The open university, the university without walls, is well on its way to becoming institutionalized, with the Empire State University and others well launched.

Second, **the concept of life-long education.** As education becomes a life style, persons will drop in and out of the institution just as we are doing now during their entire life. What effect will a higher

average age for the student population have on student justice operations?

Third, **the move to off-campus study and living.** As more students move out of the campus classroom for off-campus independent study, as the creeping commercialists invade the residence hall business, and as more students live off-campus, how will this change affect the campus disciplinary system? With fewer on-campus resident students, what is the jurisdiction of a campus disciplinary system to be?

Fourth, **the community college boom.** A recent report of the Carnegie Commission has called for the creation of several hundred new junior colleges. In states which have a community college system, such colleges may well become the place where the substantial majority of the students in the thirteenth and fourteenth grades are educated (Florida, for example, enrolls 180,000 in twenty-seven junior colleges, 80,000 in eight universities). The majority of students who are disciplined are freshmen and sophomores. Will there be a need for campus discipline when your state establishes a community college system?

Fifth, **the trend toward urban education.** Universities are no longer being built in hinterlands such as Tallahassee, Florida. New institutions will be placed in major population centers, and usually there is necessarily less emphasis on the on-campus life style in such institutions. The campus, as such, is an entire city.

These factors suggest that the characteristics of the student population and the style of university life, which have changed in the last decade, may change even more remarkably during the next decade. We may well find that in our student bodies nearly everyone is over twenty-one years of age and lives off-campus.

If this is the case, what need is there for a campus disciplinary system? Is it not possible that the forces of the community can do the job that campus law enforcement machinery has done in the past, at no expense to the university and perhaps with less difficulty and trouble? Should the student be shielded from the criminal law, and thereby enjoy the benefits of a rather malignant "unequal protection"?

While the characteristics of students, college environments, and the availability of criminal and municipal remedies may make campus discipline seem less necessary in the '70s, we should explore opposing arguments before casting off the oldest function of the dean of students.

First, **the time required by the criminal process.** The criminal law works slowly. It takes four to five months to bring a case to trial in our community. Faced with a student who was allegedly making a series of bomb threats, we were compelled to wait from April until July to have the student brought to trial. This was clearly too soon for effective adjudication of the student's guilt or innocence, and the assessment of a penalty, in terms of the university's interests.

Second, **equal educational opportunity and universal higher education.** The fruition of an equal educational opportunity in higher education has brought to the campus increasing numbers of black and brown students. Such persons have traditionally perceived policemen in less than a kindly light. When students perceive harassment by off campus police (or on campus, for that matter) and return to the campus outraged, the venting of their anger can severely upset the campus. Additionally, over 50 percent of the age eligible youth were reported to be enrolled in an institution of higher education last fall.

Third, **the non-cooling of America.** While the campuses and the counterculture are said to have cooled, Bayer and Astin's recent study (the data for which were collected this past summer) indicates that the academic year was only slightly more quiet than the 1968–69 academic year, which was generally regarded as one in which campuses were in an extreme state of disruption. "A substantial proportion of the colleges and universities were the scene of protest activity, often severe" (p. 313).

Fourth, **problems created by bringing off-campus personnel into the campus.** No elaboration on this point is necessary.

To respond to the first question raised, I am convinced that the above are valid reasons for maintaining a professional campus judicial system in the seventies, especially on those comprehensive campuses which are state-supported, undergraduate, residential, and non-urban. Since the answer to this question is "yes," what disciplinary model, or models, will meet the needs of the seventies? Answering this question depends on finding answers to several other questions. (1) Where have we been? (2) Where are we now? (3) Where are we going? (4) How do we get there?

Where Have We Been?

The decade of the sixties witnessed a remarkable federalization of the campus disciplinary system, a development which paralleled the more sensational federalization of the criminal law. By federalization, I mean the coming to the campus of the procedural guarantees of the Fourteenth Amendment.

The high points in this decade include the following:

1961 The Dixon case is handed down.

1963 Professor Van Alstyne's article suggesting a hearing model in which the student is afforded the rudiments of due process is published.

1965 Publication of a **Vanderbilt Law Journal** article proposing a model statute establishing a procedural due process model.

1967 Publication of joint statement on student rights and freedoms (JSSRF), the first codification of student procedural rights.

1968 Professor Van Alstyne's article summarizing the procedural due process case law and indicating that the case law had moved toward his 1963 model is published.

1969 Survey by Duke Law School of 2000 institutions, with 500 respondents, indicates substantial adherence with the due process case law, with many institutions going beyond the case law requirements.

1969 National Association of Student Personnel Administrators (NASPA). Survey of NASPA institutions indicates substantial compliance with the case law.

1969 Dr. Melvene Hardee, of the department of higher education at Florida State, investigating the implementation of the JSSRF on 800 campuses, with usable replies from 270 schools finds that:

1. Institutions with over 15,000 enrollment had implemented the JSSRF guarantees **before** the publication of the JSSRF.
2. State colleges were moving ahead with the implementation of the JSSRF.
3. Junior and community colleges and technical institutes were only beginning to be aware of the statement.

1969 Professor Wright's landmark article, "The Constitution Comes to Campus," is published.

1969 and 1970
Parker Young publishes two monographs sketching the case of procedural due process.

1970 Tom Fischer's monograph of due process.

1971 Publication of a survey of procedural due process implementation in New Mexico state colleges, indicating substantial compliance with elements set forth in Van Alystyne's 1968 article.

I have necessarily omitted any enumeration of leading cases.

Where Are We Now?

It is my impression that the federalization of campus discipline is pretty much an accomplished fact. This impression is based on the 1969 survey performed by the Duke Law School, a reading of university conduct codes adopted since 1969, and the 1971 New Mexico study. The Duke survey indicated the following:

> Slightly more than two-thirds of the reporting institutions reported that they published regulations governing campus disorder; 79 percent provided an accused student with written notification of charges, over half giving at least two days notice. More than half also said they would not consider evidence obtained illegally or in violation of regulations.

Fifty-seven percent warned students of their right to remain silent, while 62 percent reserved the right to suspend an accused student prior to formal hearing.

Hearing procedures applicable specifically to campus-wide disorders were available in 70 percent of the institutions replying; nearly half chose to employ closed hearings or to let students decide whether such hearings should be open or closed. A large majority had at least one student on hearing boards and reported other mechanisms to avoid prejudicial board membership or conflicts of interest; 57 percent recognized the right to the assistance of counsel. The right of confrontation and cross-examination was liberally respected, and 81 percent recognized the accused's right to introduce favorable testimony on his own behalf; 71 percent respected the right against self-incrimination. A similar percentage said they would consider only evidence presented at the hearing in establishing guilt or innocence. At least half of the respondents were willing to accept appeals to moral rationales as mitigating factors for behavior. Most institutions allowed students transcripts of proceedings, and 57 percent provided appellate procedures. Survey results show that most institutions endeavor to treat students fairly according to accepted standards of due process.

This impression may be borne out by the recent Bayer and Astin study, which indicated that the issue of the fairness of student disciplinary procedures dwindled in importance from 32 percent in 1968–69 to 21 percent in 1970–71 on those campuses having severe protests (p. 309). Though it would be unwarranted to infer that the implementation of fundamentally fair procedures contributed to this dimunition, it is an interesting statistic.

More persuasive is a reading of the more than 40 cases handed down in late 1969, 1970, and 1971 on the issue of procedural due process in higher education. The issues explored in these cases indicate that what I choose to call "first generation procedural due process systems" are in wide use.

For better or worse, the first generation systems provide for adversary proceedings much like criminal proceedings. The elements of such proceedings have been defined by the courts. These elements include reasonably well defined rules governing the behavior on which a charge is based, adequate notice of the charge and of the hearing, that a hearing be held, that the student be afforded certain procedural perquisites at the hearing (such as confrontation and cross-examination), that an impartial judge be used, that decisions be based on substantial evidence, and perhaps that an appellate process be made available.

These cases also suggest that second generation due process systems need to be and are being developed. For better or worse, the first generation disciplinary systems were severely tested in the aftermath of the demonstrations on campuses in May 1970. Among the weaknesses found in some disciplinary systems (**Sill v. Pennsylvania State University, Bistrick v. the University of South Carolina, and Counts v. Voorhees College**) were the following:

1. An excessive legalization of the disciplinary process; that is to say the application of criminal doctrines which are not necessarily applicable to campus disciplinary systems;
2. The length of time that it takes to bring a case to a conclusion;
3. The inability of some students and some faculty to handle the disciplinary function in a satisfactory manner.

The Carnegie Commission's recent report, "Dissent and Disruption," in its recommendation of hearing officers, campus attorneys, and external fact-finding panels hints strongly at this third weakness (p. 98). Regardless of academic qualifications, few professors have any idea of what collegiate due process is. Sadly, I must extend this judgement even to the law students who have, in large measure, designed and operated the Florida State Judicial System. I might add that I had no understanding of collegiate due process until I had done considerable reading, though I had practiced law for four years before going into university work.

Consider the recent history of the FSU system. In 1969, more than sixty students and non-students occupied a room in the student union and proceeded to hold an unauthorized meeting under the SDS banner. Sixty-three persons were arrested when they refused to obey an injunction ordering them to move out of the room. All students elected to be tried in the student court. (Students have the option of an administrative hearing before a single university officer, appearing before a student-faculty conduct committee, or going into an entirely student operated and administered student court.) The student prosecutor refused to prosecute the student cases referred to him, stating that his office was inadequately staffed and that it would take too long to process all the cases.

In 1970, disruption occurred when Marine Corps recruiters visited the campus. The twelve students charged with disruption elected to be tried in the student court. At a preliminary hearing in this matter, the student court ruled that it was without jurisdiction, reasoning that the students were charged with violations of University regulations and that the court had jurisdiction over the violation of student body statutes only. I might add that I represented the student defendants in the pre-trial portion of the hearings.

In the fall of 1971, a case with highly political overtones was referred to the student court at the instance of the student defendant. Upon learning of the initiation of the case, one of the two law student judges on the court tendered his resignation. The other judge also announced his intention to resign but was persuaded to stay to hear the case by the student body president. The case was prosecuted by the student body prosecutor, who at that time was engaged in full-time internship in a local governmental office. He had little time to devote to the case; consequently, the burden of case preparation and presentation fell on the University judicial officer and a graduate assistant.

The student defendant requested a jury trial. Provisions of the student code require that the procedures for selecting jurors be published at the beginning of each quarter in the student newspaper. It was found that such procedures had not been published in the student newspaper during the last several years. Additionally, it could not be determined what the procedures were.

The trial of this case required nine hours; on appeal, it was discovered at the hearing before the student supreme court that the tape recorder which was operated by the student court clerk at the trial had failed to record approximately five hours of testimony. This five hours of testimony represented the student defendant's entire case. I cannot describe my horror when I learned of this crowning faux pas.

This particular case required nine weeks from the time the charges were filed until the case was finally disposed of on appeal by the president's office. I suggest that this is entirely out of line with the concept of speedy resolution of the issues.

Yes, there are problems with the first generation discipline systems. The series of cases arising out of the May 1970 disruptions raised a series of issues which the courts had not previously addressed. This series of cases has begun to flesh out portions of the outline of college disciplinary proceedings for the '70s.

Let me enumerate quickly some of the issues raised in these cases and suggest that we hold until the small group work any detailed discussion of these issues. These issues include:

1. Adoption of entirely new procedures subsequent to the commission of the offense **(Sill v. Bistrick)**
2. Application of state administrative procedure acts to discipline **(Dunkel)**
3. Jurisdiction **(Student Association)**
4. Conduct regulations--vagueness, overbreadth and necessity for publication **(Speake v. Grantham)**
5. Interim suspensions
6. Discovery Procedure
7. Role of Attorneys
8. Composition of the Hearing Agency
9. Evidence: Witnesses, Evidentiary Rules
10. Penalties
11. Appeals

Our discussion of the present would be incomplete without briefly mentioning the development of disciplinary regulations of state-wide application. To my knowledge, only New York and West Virginia have such systems, although Ohio has a related statute. Both the New York and the West Virginia rules were attacked as violative of due process. Both sets of the rules have been held to pass constitutional muster.

By way of summarizing where we are now, it appears that we have increased significantly the "quality," of the disciplinary process while dealing with considerable less quantity. If where we are at is quality, what direction must campus discipline take during the '70s?

Where Are We Going?

The effort to create disciplinary models for the 1970s must start by building from what is known about student characteristics in the seventies. The reason that a consideration of student characteristics is so important is that the system must be acceptable to those who live under it. The Carnegie Commission's report "Dissent and Disruption" makes this point plainly (p. 93).

In the first part of this speech, I set forth some of the characteristics of student populations which the literature suggests. I shall not repeat these now, except to urge, on each individual campus, an identification and analysis of student subcultures and student opinion leaders.

I also referred in the first portion of this speech to the characteristics of the collegiate environment. What are the implications for a disciplinary system of the university without walls, the swirling tide of the community college movement, and the trend toward urban higher education? How should the judicial system at Arkansas or New Hampshire differ from that of St. Louis University or Howard?

I suggest that the offenses, the procedures, and the penalties may differ in each case. I say this because the courts have made it clear that the **mission** of each institution should be related to its disciplinary system. Moreover, the courts have made it clear that the due process clause imposes no particular disciplinary model on the universities and that a disciplinary model may be drawn from the criminal or juvenile law, as most now appear to be, from the civil law, as few appear to be, from administrative law, municipal law, arbitration proceedings, or any other procedural models. The courts allow the universities substantial leeway in creating and testing new disciplinary procedures. This opportunity for experimentation, if used, should promote a diversity in disciplinary systems which would reflect the unique mission of each institution and, more importantly, might serve as a laboratory for testing new ideas which can be used in the non-campus community. We in the universities must guard against the case of catching arteriosclerosis that the criminal court system has all too often demonstrated.

Another major consideration in developing disciplinary systems for the '70s is the small number of cases--less than 10 percent, if Texas, Colorado, and FSU figures are representative--in which the possibility of suspension or expulsion is present. This means that 90 percent of the cases do not involve the possibility of suspension or expulsion.

Recall that **Dixon** held that notice and a hearing were necessary before expulsion of college students. The **Sill** case held that the imposition of a penalty of less than suspension or expulsion does not raise a question of procedural due process. Professor Wright states that if every minor offense were dealt with with the full panoply of constitutional safeguards, the entire university would be given over to disciplinary duties, and no one could ever get any other work done.

Where should the emphasis be placed in a disciplinary system in which 90 percent of the cases may be disposed of without procedural safeguards? Have we been so busy constructing magnificent machines that we have overlooked simple answers to simple questions? For example, must FSU employ an adversary proceeding, with notice and a hearing, and other procedural safeguards, in resolving most residence hall behavior problems? The answer is clearly "no." A

counselor may still impose minor penalties on the spot or after the fact without observing due process.

With regard to the procedure for dealing with the minor violations (i.e., no suspension or expulsion), can we find ways of involving students in the process of determining guilt and in post-penalty counseling? Surely students can be used as para-professional disciplinary counselors. Have we not done this for years in residence halls? Can we not carefully select, train, direct, and evaluate para-professional student disciplinarians?

Finally, students appear to prefer a legalistically oriented disciplinary system, as compared with a system with a counseling orientation. The legalistic system seems to reduce, by its established rules, the fear of the unknown (Fowler, 1971).

How Do We Get There?

In building a model, it is necessary to distinguish between those situations in which students are suspended or expelled and those situations in which students suffer some punishment less than suspension or expulsion. We should consider jurisdiction, process, and punishment.

Perhaps an overview of judicial models currently in use will afford some perspective. Two prototypical judicial models are the adversary model and the questionary model. The adversary model is the basic model used in nearly all United States criminal courts. Each side hires an advocate, in the fashion of the gunslingers of the old west, to attempt to bring to the court's attention all favorable evidence and to discredit all evidence brought by the opposition. There is considerable emphasis on the rules of the game. The judge is not so much a participant as an umpire or a referee. The discovery of the truth depends on the efforts of the opposing counsel rather than the judge. A jury is used.

The questionary model is the basic form of courtroom procedure in European countries deriving their legal institutions and customs from the Roman law and the Napoleonic code. Variations on the questionary model are found in the United States in the administrative law procedures employed in various regulatory commissions and, until recently, in the juvenile courts of this country. In a questionary proceedings, the judge or the judges are participants in the proceedings, rather than the somewhat removed referee of the adversary system. Rather than letting the truth emerge from a joust between opposing counsel, the judge frequently intervenes personally, asking questions of witnesses and of counsel. No jury, as such, is involved.

> With regard to procedural complexity, the elaborate technical rules governing the criminal courts of the United States are no less complex than the labyrinthine procedure of the French criminal system, even though the United States system is adversary, and the Frensh system is questionary. (Karlesky and Stephenson, 1971, p. 653)

Interestingly, the juvenile courts in the United States have been transformed in the last five years from a questionary to an adversary system. While under the questionary system, the focus was on the rehabilitation of the child, there being a deliberate attempt to exclude lawyers from the process. The adversary system has been introduced as a consequence of the change, and juveniles are now afforded the following rights:

1. Right to bail
2. Right to counsel
3. Right to notice of charges and a hearing
4. Right not to incriminate self
5. Right to confront and cross examine
6. Right to proof of offense beyond a reasonable doubt

Previous to the change, a juvenile did not enjoy these rights. Juvenile court procedures, like major university disciplinary procedures, have assumed the form of the adversary criminal procedure. Secondary school discipline procedures are taking on this same adversary form.

Is the adversary criminal model the best for us? Is there an advantage of one approach, the questionary system, over another approach, the adversary system, with regard to campus

disciplinary systems? Some feel that there is no justification for selecting one model over the other when the formal degree of procedure is used as a sole criterion for that choice.

> The search for a procedural and judicial model which is capable of coping with all kinds of campus offenses seems imprudent. The wiser course is to decide what kind of offenses are appropriate for adjudication by any campus tribunal, and thereby to exclude those offenses which are not appropriate for determination by the academic community. (Karlesky and Stephenson, 1971, p. 654)

With regard to jurisdiction over the offense, there seems to be general agreement that there are many offenses which are not appropriate for campus tribunals regardless of the formality or informality of the procedures or whether a questionary or adversary system is used. Any offenses which are violations of state, federal, or municipal law should be handled off campus (Dissent and Disruption, 1971, p. 96). This would leave the University with jurisdiction over offenses uniquely connected with the academic enterprise, such as cheating. Moreover, off-campus conduct should be censured by the university only when it harms or poses a threat of harm to a member of the university community or to university property or operations (Hanson, 1971, p. 47).

Resolving questions of jurisdiction does not, however, resolve questions about punishment. In this regard, Professor Paul Carrington suggests that the use of the adversary criminal law model in university disciplinary systems is unlikely to produce anything but frustration and misunderstanding (1971, p. 393+). He suggests that the criminal law model has the following weaknesses:

1. The difficulty of marshalling support within the academic community for the application of the punishment of exclusion.

2. The question of what kinds of behavioral standards are appropriate for a university to administer.

3. The clarity of the rules in which university conduct standards are expressed.

4. Effective punishment requires student participation in the process of fact determination.

5. The need for a variety of procedural safeguards, and the accompanying morass of technicalities, including the possible application of exclusionary rules.

6. The time lag between the commission of offense and the punishment. Quote: "Disciplinary proceedings are hopelessly stale after a year, and are nearly so within a semester."

7. Double jeopardy considerations.

8. The expense of the system. Quote: "How much is it worth in administrative time and energy to obtain a single suspension?"

Carrington feels that the ineffectiveness of university discipline relates directly to the fact that there is no satisfactory sanction. The only significant punishment, traditionally, is that of exclusion by way of suspension or expulsion. Separation from the university community is a very crude tool, and even when the punishment is appropriate, it may be entirely counter-productive.

Carrington suggests a system of university discipline which follows the pattern of private civil remedies rather than the criminal law pattern which has recently become traditional in universities. Carrington's model operates primarily at the level of punishment. It provides for monetary damages for acts of misconduct. As such, it is an academic alimony or a small claims court model.

What are the features of this mode? Ordinary damages are levied to compensate persons for harm to property or for disruption of their academic program. The deterrence function is served by punitive damages. The amount of the punitive damages is limited to treble damages. In

establishing punitive damages, the judiciary is authorized to consider the financial worth of the offender, his motives, and other factors deemed relevant. Obligations imposed for punitive damages are paid in to the university scholarship fund.

Payments of damages may be spread over one year. The university is required to provide employment for offenders needing extra work opportunities. The jurisdiction of the University Judiciary is limited to claims of $1,000 or less. Exclusion from the university community would be imposed only on students who are in default of their obligations as fixed by the judiciary.

Carrington suggests that his model has the following advantages:

1. No void for vagueness problem

2. Easier to get students to participate in a meaningful manner in proceedings

3. Makes it easier to get witnesses to come forward and testify

4. Reduces problems of constitutional due process
   a. The right to counsel, the right to confrontation, and the right to a formal record are imposed with very limited consequences.
   b. Abandons totally the right to a formal record, appellate review being de novo.
   c. Exclusionary rules and evidentiary rules are made irrelevant.
   d. Reduces substantially the prolonged delay in proceedings.
   e. Reduces the prospects of a carnival atmosphere.
   f. Eliminates the double jeopardy problem.

Additionally, the goals of deterrence and rehabilitation are served.

The Carrington model was offered in a preliminary draft only to stimulate thinking and was not debugged at the time of publication. Assuming this caveat, I do not wish to criticize, but I do want to point out that the model does not seem to allow the speedy exclusion from the campus of the violent student, except as he is dealt with by the criminal law or by injunctive proceedings.

Also, enforcement of payments may be a problem. College students may be more dilatory than errant ex-husbands in providing academic alimony. Enforcement is to be accomplished by denial of transcripts or diploma or by exclusion. Enforcement by way of exclusion may raise some of the same problems as a suspension under current conditions, if a recent Mississippi case which I have been told about, but have not been able to find reported, governs. In that case, a refusal to allow students charged with possession of marijuana to register for the next term on the basis of a state statute barring admission to those charged with crimes was held to deny due process.

In addition to fines, work hours can be an effective sanction. At FSU we have had success with students performing a specified number of hours of physical labor, student government work, or other necessary tasks.

Finally, some thoughts about machinery . . .

First, the possible applicability of administrative procedure acts. Such acts established in some detail procedures for the adjudication of grievances between citizens and state agencies. There is a possibility that such acts may be applied to disciplinary cases involving suspension and expulsion. An application of such acts would establish a level of due process exceeding that required by the current case law and would mandate the use of attorneys for both sides. Such acts are currently applied, by statute, to the University of Oregon, are applied in Florida in tenure disputes, and in Maryland by court decree to the barring of a non-student from campus. When I recently investigated the possibility of engaging a hearing examiner for a discipline case, the lawyers I contacted indicated they would undertake the assignment only if the Administrative Procedures Act was followed.

Second, the Carnegie Commission's recommendations for the use of hearing examiners and panels consisting of persons external to the university in disruption cases is most attractive. I understand the California State College System has

circuit-riding hearing examiners who adjudicate serious disciplinary cases. Perhaps the best approach, in terms of insuring both expertise and non-interest, is to engage a hearing examiner from out of the city——or even out of the state. The use of an out-of-state examiner suggests the possibility of submitting a disciplinary dispute to binding arbitration with an arbitrator selected by a national agency. A Sunday magazine reported recently that Ithaca College had adopted an arbitration procedure for such disputes.

The '70s will require a professional judicial administrator and a campus prosecuting attorney. Cornell University considered creating the top level administrative post of judicial administrator. Students in the student personnel program at Florida State recently proposed the merger of the legal, security, and disciplinary offices into one major division of the University, headed up by a vice president for legal affairs.

Let me recommend David Hanson's short but trenchant article in the Fall 1971 issue of the **Journal of the National Association of Women Deans and Counselors** (NAWDC). Hanson, assistant to the Chancellor at the University of Wisconsin at Madison, suggests a simple procedure for handling minor disciplinary matters. The dean writes a letter specifying the charges, the evidence, and the proposed discipline. The student is offered an opportunity to discuss with the dean any evidence of defenses. The dean then determines innocence or guilt and the penalty.

Major disciplinary cases are handled via a full due process hearing, if the student so chooses. The student is offered the opportunity to withdraw or may be offered a lesser penalty for a plea of no contest. Hanson intimates that there is no provision for an internal appeal within the university. Students claiming injury must go directly to court. I invite comment from Wisconsin representatives.

FSU practices that seem useful:

1. Everyone in the Judicial Office is a student.
2. The public defender is appointed at the time of the initial interview.
3. Penalties are set by students.
4. Work hours——self concept
5. A movement lawyer comes to town.

Campus discipline in the '70s must be conducted in an efficient and professional manner. This may mean, necessarily, the exclusion of students and faculty from playing a major role in the operation, though not the creation and maintenance, of disciplinary systems dealing with major offenses of a disruptive character. For minor offenses, those without the possibility of exclusion from the university, students may be playing a major role in the creation, operation, and maintenance of such a disciplinary system. Where major offenses are non-disruptive, students should participate in creating, fact-finding but not operation, and maintenance of the system. Student participation equals consumer protection.

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A PROPOSED MODEL OF LEGISLATIVE POWERS FOR CAMPUS LAW ENFORCEMENT

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My discussion today is entitled "A Proposed Model of Legislative Powers for Campus Law Enforcement." I considered several approaches to the subject but decided that it would be more informative and less presumptuous if I discussed the statutory approach in Texas in handling campus law enforcement rather than commenting in the abstract about a prototype of model statutes designed to cover all statutory aspects of campus law enforcement.

Through a process of trial and error, Texas has enacted what I consider to be an excellent and relatively comprehensive compilation of statute law pertaining to campus law enforcement. The process leading to the enactment of those statutes was often laborious, and the statutory work product that emerged was significantly improved as a result of correcting any mistakes or errors that became evident during the legislative process.

Prior to the spring semester of 1967, the campus of the University of Texas at Austin, one of seventeen component institutions comprising the University of Texas System, was noted for its bucolic atmosphere. The campus police force was of the flashlight and keychain variety and functioned primarily to regulate ingress and egress to the campus area and to issue tickets for parking and traffic violations. Disciplinary problems were of a minor variety, usually involving cheating on exams, occasional affrays involving students, and overconsumption of alcoholic beverages. Such violations usually were handled by the dean's office on an ad hoc basis, since there was no formal internal university disciplinary procedure. That situation changed rather suddenly.

A number of serious campus disruptions on the Austin campus during the spring semester of 1967 pointed out the rather serious statutory, internal disciplinary, and internal security inadequacies that existed. The internal disciplinary problems purportedly were remedied by the regental adoption of a student disciplinary code for the University of Texas at Austin, which subsequently was adopted at the other University of Texas System general academic institutions. Ironically, the adoption of the model disciplinary codes has been successful at all the component institutions except the University of Texas at Austin, but that is another story.

Fortunately, the disruptions of that spring did not get out of hand. The lessons learned during that turbulent period were used as a basis for revamping the entire campus law enforcement program at Austin and the other component institutions. However, before any significant action could be taken, the legislature first had to provide the legal basis and policy direction for such action. Shortly before the beginning of the 1967 campus disruptions in Austin, the Texas legislature had been considering a statute intended to ameliorate certain existing campus law enforcement problems. The disruptive activities on the Austin campus served to draw added interest to the problem and resulted in prompt legislative

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enactment of what I shall describe during this discussion as Article 2919j, Vernon's Texas Civil Statutes, which became effective on April 27, 1967.[1]

Article 2919j contains, among others, the following provisions, some of which I will discuss later in more detail:

1. The statute authorizes the governing boards of state-supported institutions of higher education to commission certain traffic and security personnel as peace officers.

2. The statute authorizes the governing boards of state-supported institutions of higher education to promulgate rules and regulations to insure the safety and welfare of students and to regulate the operation and parking of motor vehicles on campus.

3. The statute authorizes the governing boards of state-supported institutions of higher education to provide for the ejectment of persons from the campus under certain circumstances.

4. The statute prohibits trespassing on campus grounds and forbids damaging or defacing state buildings or grounds.

A person who violates any provision of the Act is guilty of a misdemeanor and upon conviction is subject to a fine of not more than $200. Article 2919j was, and still is, the nucleus for assuring institutions of higher education in Texas the authority to provide their campuses with effective law enforcement.

Two provisions of the Act, in particular, merit close scrutiny. First, the statute authorizes the governing boards of Texas colleges and universities to comission certain traffic and security personnel as peace officers. In Texas, the term "peace officer" describes a law enforcement officer who has achieved the highest rank in the law enforcement field. That person is distinguished from one whose title comes under the general heading of "law enforcement officer." A peace officer is authorized to execute warrants, make arrests, and carry firearms while in the line of duty. In addition, once commissioned as a peace officer, a law enforcement officer acts under "color of law" and, therefore, is subject to prosecution for failure to perform duties imposed by state statutes, as well as for exceeding the scope of his authority. Pursuant to that legislative authority, Mr. George Carlson, Director of Police for the University of Texas System, implemented a training school for System police officers, which subsequently was accredited by the Texas Commission of Law Enforcement Officers Standards and Education (TCLEOSE).

During the period from 1967 to 1971, it became apparent that something intangible was missing from the statutory authority to commission as peace officers campus police officers pursuant to Article 2919j. Although the Act itself described properly commissioned campus police officers as "peace officers," an article in the Texas Code of Criminal Procedure cast doubt on the authority of Article 2919j to grant commissioning power. Article 2.12 of that code spelled out in tabular form those persons who were properly constituted peace officers in Texas.[2] Nowhere in that article was there any mention of campus security personnel. Although it was conceded that the omission in Article 2.12 had no legal effect on a properly commissioned campus officer's authority as a peace officer, it was believed, and with some foundation, that a commissioned campus police officer could not command the full respect of other peace officers until a category describing campus police officers as peace officers had been added to the Texas Code of Criminal Procedure.

To remedy that problem, the University of Texas System initiated legislation during 1971 that had two purposes:[3]

1. To assure that officers commissioned by the governing board of any state-supported institution of higher education, public junior college, or the Texas State Technical Institute would be designated as "peace officers" in the Texas Code of Criminal Procedure.

2. To assure the highest standards of each campus peace officer candidate by requiring that he be certified as a qualified peace

officer by the Texas Commission of Law Enforcement Officers Standards and Education.

Both amendments passed the legislature with negligible opposition and became effective on May 17, 1971. The lack of opposition was largely due to an effective legislative information program conducted by Mr. George Carlson, Director of Police for the University of Texas System.

The impact of Article 2919j and its subsequent amendments on campus law enforcement procedures have been enormous. Commissioned campus peace officers now perform the duties of other Texas peace officers and command the respect of those other peace officers as well. Initially, there was a minimal amount of faculty-student opposition to trained police forces within the component institutions, but that opposition has since disappeared due to the outstanding performance of all university officers since the first commissioning in February of 1968. In these respects, Article 2919j has been an unqualified success.

In another respect, Article 2919j has encountered certain legal problems. Section 9 of the Act authorizes the governing board of a state-supported institution of higher education or its authorized representative to refuse to allow a person having no legitimate business on campus to enter property under the board's control and to eject any undesirable person from the property if that person refuses to leave peaceably on request. In May of 1971, a United States District Court for the Eastern District of Texas declared Section 9 unconstitutional as overbroad and vague.[4] The case involved an application for a writ of injunction filed by the administration of North Texas State University in Denton, Texas. The court held that the statutory phrases "persons having no legitimate business" and "any undesirable person" did not give fair notice of proscribed conduct required by the due process clause and that the language gave unbridled discretion to administrative officers who might be called upon to enforce the provision. The court concluded by stating that action which may be the legitimate object of legislative and administrative restriction could have been reached by more narrowly drawn limitations. In fact, Section 9 has effectively been replaced by a newly-enacted criminal trespass statute[5] and by a statute that was drafted in the System law office, that was enacted by the Texas legislature, that covers trespass and ejectment in a more comprehensive manner, and that I will discuss in more detail later.

Based on experience in dealing with campus disruptions during the period from 1967 to 1971, several of us on the law office staff felt that certain sections of Article 2919j should be amended to provide for a more explicit description of the stated offenses. We were particularly hesitant to try to make a case on the aforementioned Section 9, which relates to the ejectment from campus of so-called undesirable persons and refusing to allow on campus persons having no legitimate business.

In addition, Section 9 of Article 2919j contains a provision stating that "identification may be required of any person on university property." The provision leaves unclear such matters as who is authorized to require identification, under what circumstances identification may be required, and what the penalty for refusing to identify oneself can be.

To remedy those problems and to provide for disruptive contingencies that might occur on Texas college and university campuses, the System law office engaged in research on the needs of college and university administrators and security personnel in forestalling violent and disruptive activities and in quelling violent and disruptive activities should they occur. A tentative study resulted in a recommendation that we submit to the Texas legislature for enactment six statutes governing disruptive or threatened disruptive activities on campus:

1. A statute authorizing the chief administrative officer of a state-supported institution of higher education or a person designated by him to require any person on campus to identify himself upon request.[6]

2. A statute that would authorize the chief administrative officer of a state-supported institution of higher education, or a person

designated by him, to suspend during a period of disruption the right of a person to be on campus, for not more than a short period of time.[7]

3. A statute prohibiting a student or employee who has been suspended from a state-supported institution of higher education from remaining on or returning to the campus under certain circumstances.[8]

4. A statute prohibiting a person from refusing or failing to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during regular closing hours.[9]

5. A statute prohibiting any person from causing any state officer or employee, including any officer or employee of a state-supported institution of higher education, to do or refrain from doing any act in the performance of his duties by means of a threat to inflict injury upon any person or damage to any property.[10]

6. A statute that would prohibit any person on the campus of an institution of higher education from reentering the campus within 72 hours after he has been directed to leave by the chief administrative officer or his delegate.[11]

All six bills were introduced in the Texas House of Representatives in late January of 1971, and the hearing on the first bill, H. B. No. 313, made it evident that legislative handling of the bills would not be entirely smooth. H. B. No. 313, which we labeled our campus identification bill, would have authorized the institutional head, or his delegate, to demand of any person on campus his correct name and address and whether or not he was a student or employee of the institution. Immediate objections were made by some members of the legislature about the lack of standards set out in the bill and the apparently unbridled discretion that was granted administrative officials to request identification.

Because of those complaints, a decision was hurriedly made to rewrite the identification bill substantially, to delete from our legislative program H. B. No. 312, which pertained to reentry of a campus within 72 hours by a person who had been directed to leave, and to delete H. B. No. 315, which prohibited threats against public officials, including university officials and employees.

The decision to delete from the list of six bills two particular pieces of legislation was made for the following reasons: H. B. No. 315, a statutory prohibition against causing any public or university officer or employee to do or refrain from doing any act in the performance of his duties by means of a threat to inflict injury to any person or damage to any property, was deemed not as important to our program as several other bills, since the Texas Penal Code covered such threats in more general language.

H. B. No. 312, which prohibited a person who had been directed to leave the campus of an institution of higher education from failing to leave or from returning to the campus within 72 hours after being directed to leave, was deemed of lesser importance, since the bill duplicated certain material in one of our four remaining legislative proposals and since there was some concern on our part that the standards of due process set out in the bill, while constitutional, were minimal. In addition, there had been a tendency on the part of some members of the legislature to confuse the bill with another of our legislative proposals.

It was the consensus of those of us who had taken part in drafting and attempting to sell to the legislature all six bills that our efforts were being diluted by concentrating on six short bills rather than one long bill. This consideration was coupled with our rather unfortunate experience in committee with the identification bill and the probability that lawmakers would become increasingly hostile toward our legislative program if one bill each week were brought forward for hearing in committee.

The decision to consolidate and concentrate proved to be a wise one. Rather than approaching

the legislature in a scatter-gun manner, we were now able to discuss with legislators on an individual basis, as well as in committee hearings, one bill. Also, the logistics of trying to move one bill through the legislature is much simpler than attempting to move six. The remaining four bills were consolidated into four provisions in one bill, H. B. No. 314, all of which were modeled in varying degrees from California statutes. Hopefully, our rewrite of those statutes resulted in substantially clearer and better law.[12]

Section 1 of the Act pertains to what nearly became our nemesis--required identification on campus. In order to make plain the circumstances under which a campus administrator could require any person on campus to identify himself, the Act spells out that such identification can be required only "during periods of disruption, as determined by the chief administrative officer." However, an additional safeguard was added--a period of disruption is defined in Subsection (b) of Section 1 as "any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of the willful disruption of the orderly operation of the campus or facility." The standard pertaining to a threat of the willful disruption of the orderly operation of the campus or facility was added in the Senate after the bill had passed the House of Representatives and was intended to broaden the scope of what constitutes a period of disruption. Set out in a somewhat simplified manner in tabular form, the identification section may be implemented in the following manner:

1. The chief administrative officer of a state college or university must have determined that a period of disruption, as defined in the Act, exists on campus.

2. The chief administrative officer or his delegate is then authorized to require that any person on campus present evidence of his identification.

3. If any person refuses or fails to honor the request for identification, he may be ejected from the campus or facility, but only if it appears to the person requesting identification that the person refusing or failing to honor the request has no legitimate business on the campus or facility.

Although there has been some disagreement about the effectiveness of the provision from those who would have preferred a wide-open identification requirement as originally contemplated, it is the opinion of those of us who will be responsible for enforcing the provision that it represents an effective and fair compromise.

Section 2 of the Act contains a lengthy and detailed provision representing our attempt to put in statute form a provision that would authorize the chief administrative officer of a campus or his delegate to withdraw consent in writing for any person to remain on the campus. Consent to remain on campus may be withdrawn only during periods of disruption, as defined in the identification provision, and only if there is reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility and that his presence on the campus or facility will create a substantial and material threat to the orderly operation of the campus or facility.

Consent may be withdrawn for not more than fourteen days; however, in practice a suspension from campus will not exceed three or four days. When a person has been notified in writing of the withdrawal of consent, he is entitled to a hearing on the withdrawal not later than three days from the date of receipt by the chief administrative officer of a written request for a hearing. The chief administrative officer is required to grant the request immediately and notify the applicant in writing of the date, time, and place of the hearing. The University of Texas System has been evaluating the hearing officer approach to internal disciplinary matters, so the statute was written to provide for a hearing before a duly constituted discipline committee or an authorized hearing officer. Initially, there was some legislative opposition to providing a hearing officer procedure in the Act. That opposition disappeared after it was explained that the hearing officer procedure was not modeled after a star chamber type of hearing.

The statute provides that any person from whom consent to remain on the campus has been withdrawn, and who has not had such consent reinstated, is guilty of a misdemeanor if he willfully and knowingly enters or remains upon the campus or facility. That provision does not apply to a person who enters or remains on the campus or facility for the sole purpose of applying to the chief administrative officer for reinstatement of consent or of attending a hearing on withdrawal.

Both the identification provision and the withdrawal of consent provision are intended to solve the problem of obtaining jurisdiction over the non-student or nonemployee who is on campus to engage in or is on campus engaging in disruptive or violent activities. A college or university usually has adequate internal disciplinary sanctions applicable to students and employees, such as suspension, dismissal, or expulsion. However, that is not the case with a person who is neither a student nor employee of the institution. The dean's office cannot impose sanctions against those who have no official institutional relationship. The identification section of H. B. No. 314 and its companion withdrawal of consent provision provide the college or university administrator or security officer with a valuable jurisdictional weapon.

Section 3 of the Act is intended to deal with a problem arising from the dismissal or suspension of a student or employee at a state-supported institution of higher education. Clearly, a student or employee engaging in disruptive or violent activities can have his official relationship with the institution terminated. However, termination alone offers no assurance that the student or employee will not remain on the campus to continue the proscribed activity. Section 3 provides that, as a condition of suspension or dismissal from the institution, a student or employee of the institution, after a hearing, may be denied access to the campus or facility, or both, for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who returns to the campus in violation of the order is guilty of a misdemeanor upon conviction.

Section 4 of the Act, which pertains to remaining in public buildings after closing hours, resulted from a comment made by law professor Charles Alan Wright in the **Vanderbilt Law Review.**[13] On Page 1049 of that journal, Professor Wright states:

> Recently demonstrators sat-in at College Hall, at The University of Pennsylvania, for six days. But unlike demonstrators elsewhere, they allowed free access within the building and supervision by the campus police, and classes in the building were not hampered. If there had been a valid university rule prohibiting demonstrations in this particular building or requiring that persons leave it at a certain hour, even this behavior might not have been permissible, but there was no such rule. Since the demonstrators were at most an inconvenience, and their conduct did not materially or substantially interfere with the normal activities of the university, the demonstration remained a form of constitutionally-protected expression.

It was my intention in drafting Section 4 to insure that administrators of Texas colleges and universities have solid legislative support for enforcing building closing hours and to assure that violators of those closing hours are punishable to the fullest extent of the law.

In its simplest terms, the section provides the following:

1. The building must be under the control and management of a public agency, including a state-supported institution of higher education.

2. The building must be regularly closed to the public.

3. A guard, watchman, or other employee of the agency must request a person having no apparent lawful business to pursue to leave.

4. The person requested to leave must refuse or fail to leave.

A person who violates Section 4 is guilty of a misdemeanor. Section 4 should erase any doubt as to the authority of a college or university to control and regulate the use of its buildings. A person who violates H. B. No. 314 is guilty of a misdemeanor and upon conviction is subject to a fine of not more than $500 or imprisonment in the county jail for not more than six months, or both.

At the last stage in the passage of H. B. No. 314 through the legislature, a compromise provision was added as a new Section 5 to the bill. In the Senate, an amendment had been added that would have rquired that, before a student attending any Texas college or university could be disciplined, he must first be assured certain detailed due process procedures and safeguards. I had three objections to the amendment. First, it prescribed due process procedures for all college and university disciplinary hearing procedures, not just hearing procedures for the offenses set out in the bill. Second, the list of procedures was so extensive and detailed, and so far exceeded the due process requirements set out in the Dixon case,[14] that I was concerned that some colleges and universities in Texas would find the new requirements a staggering burden under which to operate. The general academic institutions of the University of Texas System were, in fact, operating under those stringent requirements; however, that was an insufficient ground for requiring other colleges and universities to do so. Third, the amendment would have jeopardized the establishment of the office of hearing officer by requiring a committee-type hearing. I considered that limitation unnecessary and unduly restrictive.

The resulting compromise, which I drafted, provided that a person from whom consent to remain on campus has been withdrawn pursuant to Section 2 of the Act is entitled to certain hearing procedures, which are set out in Section 5. Those procedures include the right to be represented by counsel, the right to call and examine witnesses and cross-examine adverse witnesses, and to have the decision based only on evidence presented at the hearing.

In summary, I wish to make the following suggestions. First, in adopting any legislative program pertaining to campus law enforcement, it is extremely helpful to review first the statute law of other states. In our case, particular reliance was placed on California statutes, especially in the development of H. B. No. 314. It goes without saying that substantial progress can be made based on the mistakes of others, and the fact that another state has enacted legislation similar to that proposed can be a useful selling point in the legislature.

Second, a legislative campus law enforcement program should be limited to the barest minimum of bills required. There are always other legislative sessions during which necessary legislation can be enacted. It has been my experience--it probably would be more accurate to say it was my misfortune--to discover that one comprehensive, well-organized bill has a much greater chance of passage than do a multitude of short bills, which often confuse legislators. Legislators become short-tempered when the same person appears in committee week after week advocating the passage of a bill that sounds substantially similar to a bill that was discussed the week before. With the tremendous number of bills a legislator must consider each session, it is not surprising that the subject matters of many bills seem to merge.

Third, and perhaps most important, it is imperative that a sound, well-reasoned information campaign should accompany any attempt to achieve legislative passage of a campus security program. In Texas, the legislative response toward campus violence was not unanimous, with some persons sharing the view that bills attempting to regulate campus conduct were themselves instruments for stirring up campus unrest and that such measures should be handled at the college and university level through rules and regulations. The best antidote for this type of reaction is simply walking the legislative halls, visiting with members of the committee that will hear the bill, and generally discusssing the program with any member who will listen. The strongest advocate for a campus law enforcement program is a

respected member of the committee that will hear the bill.

Fourth, a sprinkling of luck is helpful. As I stated before, the 1967 campus peace officer bill was actually the outgrowth of threatened disruptions on the Austin campus. In addition, H. B. No. 314, which I have just discussed, was at best in a state of limbo, at worst dying a slow death, when serious disruptions took place at Prairie View A & M University during the spring of 1971. Considerable destruction of state property occurred during that conflagration, with several buildings being burned to the ground. That unfortunate incident was instrumental in gaining substantial legislative support for the bill, since its provisions could have been used effectively during the period of disruption on that campus.

Fifth, and last, maintain your tenancity and try to keep your sanity. The latter probably will prove the most difficult.

FOOTNOTES

1 Recently codified as Subchapter E of Chapter 51 of the Texas Education Code. Previously cited as Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes).

2 Article 2.12, Texas Code of Criminal Procedure, 1965, as last amended by Section 3, Chapter 246, Acts of the 62nd Legislature, Regular Session, 1971.

3 Sections 2 and 3, Chapter 246, Acts of the 62nd Legislature, Regular Session, 1971.

4 **Duke v. State of Texas,** 327 F. Supp. 1218 (1971).

5 Article 1377c, Vernon's Texas Penal Code.

6 Introduced as H. B. No. 313, 62nd Legislature, Regular Session, 1971.

7 Introduced as H. B. No. 314, 62nd Legislature, Regular Session, 1971.

8 Introduced as H. B. No. 317, 62nd Legislature, Regular Session, 1971.

9 Introduced as H. B. No. 316, 62nd Legislature, Regular Session, 1971.

10 Introduced as H. B. No. 315, 62nd Legislature, Regular Session, 1971.

11 Introduced as H. B. No. 312, 62nd Legislature, Regular Session, 1971.

12 Chapter 893, Acts of the 62nd Legislature, Regular Session, 1971 (Article 295d, Vernon's Texas Penal Code).

13 Charles Alan Wright, The Constitution on the Campus, Oliver Wendell Holmes Lectures, delivered at Vanderbilt University School of Law, April 1969, reprinted in 22 **Vanderbilt Law Review** 5. October 1969, p. 1049.

14 **Dixon v. Alabama State Board of Education,** 294 F.2d 150 (5th Cir. 1961).

Proceedings of this conference prepared by

Editorial Services, Department of Conferences
The University of Georgia Center for Continuing Education
Athens

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